THE SOLICITORS' JOURNAL.

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LOCAL WILL OFFICES.

It is satisfactory to learn that the Government do not intend to relinquish the Bill for the establishment of a new Court of Probate on account of the defeat which they suffered on Monday night. If the decision of the House of Commons on Mr. Westhead's motion were hostile to the principle of the Bill, there might be some ground for the threat of its abandonment, which has been held out by the Attorney-General; but if the effect of that decision is only to make the measure more widely useful, such a course would be deeply to be deplored. That such will be its effect, was the feeling generally entertained by members who took part in the debate of last evening; and Ministers have, therefore, declared themselves willing to accept and abide by the vote enabling all wills to be proved in the locality in which a testator had his fixed residence, without regard to the value of his property. The only question which appears to remain open for discussion on this part of the Bill is that which relates to property in the public funds, and in the shares of railway and other corporations. The Attorney-General is unwilling to intrust to the district courts the power of granting probate for such property, because he thinks that it would afford too great facilities for fraud. The only argument adduced in support of this position is, that, in the case of parliamentary stocks and shares in companies, the executor of a will, of which probate has been improperly obtained, may immediately acquire possession, and misappropriate his testator's estate; while, in personalty of other descriptions, the danger is not so great. Admitting, however, that the consequences of a mistake in the granting of probate might be more injurious in the hands of fraudulent persons, where the testator's property consisted of Three per Cents. or railway shares, than it would be where it consisted of farming stock, it remains to be considered whether such a mistake is less likely to occur in the metropolitan than in a district court.

Practically, the two instances to which we have referred are extremes. Few testators die possessed only of Consols or of farming stock. And even if it were otherwise, it is not easy to understand how an executor, who intended to defraud his testator's estate, would find it more difficult to do so where it consisted of money at his bankers, of stock in trade or on a farm, than where it consisted of parliamentary stocks or railway shares. Once having obtained probate, his power for good or evil over the personal property is complete, and of whatever kind it may be, he can speedily convert it to his own use, to the injury of those beneficially entitled. Granting that he may procure a transfer of stock or shares upon twenty-four hours' notice, and that he may not be able to realise other personalty in a shorter period than as many days, it can hardly be pretended, that, in any appreciable number of instances, probate could be revoked in sufficient time to prevent deliberate fraud.

It is, moreover, very questionable whether mistakes in granting probate would, in fact, be more likely to occur in the district courts than in the metropolitan. The Commissioners in their Report, no doubt, lay great stress upon the skill and vigilance which are required to guard against fraud and mistakes; and they, somewhat unnecessarily, go out of their way in volunteering an opinion that such qualifications would be "most certainly possessed by officers in London, under the immediate control of a judge." Why a practitioner at York or Chester should not be skilful and vigilant, or how the superintendence of a judge, whose province was to determine points of law, could evoke these qualities in officials devoted to practice, are questions on which the Commissioners are silent. The only instance which Sir Richard Bethell adduced against the country proctors was one in which probate had been granted in a case where the will had been obliterated, and it appeared that no inquiry had been made as to whether the obliteration had occurred before or after execution. We believe that it would not be impossible to mention some instances of equal oversight among London practitioners, but it would be trifling to urge any argument on either side upon such grounds; and the truth is, that, under the present system, both in London and in the diocesan courts, the occurrence of such errors is extremely rare. Under the provisions of the Act, the existing diocesan registrars are to be entitled to be district registrars at the same places; and if they only discharge their new duties as well as they have hitherto discharged less onerous ones, there will be no room for complaint as to want of skill or vigilance on their parts. Nor should it be forgotten that there are some reasons why probate is less likely to be improperly obtained in the locality in which the testator had his fixed residence, than it would be at a distance. There are greater facilities for the perpetration of such a fraud where all the circumstances are unknown, and where there must, necessarily, be greater difficulty and expense in attempting to prevent it. Sir Richard Bethell, it is true, particularly insists upon the greater check upon fraud which would be obtained by the fact, that, in the London Court of Probate, wills would be required to pass through the hands of a number of officers successively, while, in the country, they would be subject to the supervision of a registrar only. But if his argument is good in a case where the testator's property includes Government stocks or shares, no matter how small the amount, why should it not be generally applied. It is hard to understand why a district registrar should be allowed to grant probate of a will of a Liverpool merchant or Lancashire manufacturer, and thereby give to an executor control over stock in trade and other personalty of a similar character, amounting to many thousand pounds, and yet not be considered competent to decide upon a will passing a small sum in the Three per Cents., or a few shares in a local railway. If, indeed, district registrars were cut off from all assistance, and in every case obliged to act upon their own unaided judgment, there might be a valid ground for refusing to intrust them with the greatly increased powers given to them by Mr. Westhead's amendment. But the Bill expressly provides, that, in all cases of doubt, they are to transmit a statement of the matter in question to the Registrars of the Court of Probate, who are to obtain the direction of the judge thereon; so that, substantially, they will be subject to the same guidance and control as the officers of the metropolitan court. It should also be borne in mind, that only probates and administrations in common form are to be granted by the district registrars; and that, whenever there is any contention, or it appears to the registrar that the grant ought not to be in common form, he is bound to refuse it, and the case thereupon is to be referred to the Court of Probate in London. With such precautions there is little to fear as to the safe working of the Act; and we earnestly hope that the Government will follow up the concession which they wisely made last night, by adopting the resolution of the House of Commons on Monday, so that one probate shall be sufficient to cover all the property in England. That resolution avoids all the inconveniences arising from the old rule as to *bona notabilia;* and without it, the Bill now before the House, great and numerous as are its other benefits, would be very incomplete.

The main difficulty which now besets Ministers arises from the hostility which the London proctors entertain, naturally enough, to such concessions to their provin-

cial brethren. Our metropolitan friends, however, ought not to give way to any extravagant apprehensions, considering how well they seem to have succeeded in establishing a general conviction, among members of Parliament, of their right to compensation. In this respect, they have been more fortunate than other branches of the profession, who have endured similar inflictions without any such solace. The principle of compensation once being established, the damage sustained is merely a matter of account, and we have very little doubt that no important items will be forgotten when the time of reckoning comes, which has been considerately postponed so that nothing which accrues in the further progress of the Bill through Parliament may be omitted to the detriment of the ancient and respectable body of Proctors.

A CLIENT'S REVENGE.

An action has been tried during the course of the present week which has considerable interest for the profession. Recently, actions against attorneys for negligence have been so numerous, and so strangely successful, that almost every week we have had to report, and comment on, some instance more or less glaring of the bias entertained by juries in favour of clients, and against their professional advisers. Hitherto, a lady has generally been the plaintiff, and has appealed to the gallantry, as well as the prejudices, of the jury-box. But now a gentleman has been encouraged to follow the example, although even here a lady was at the bottom of the mischief; and it was when smarting under the damages inflicted on him for a breach of promise, that the plaintiff in the present action attempted to screw out of his legal advisers the price of his faithlessness in love. Our readers may remember an action tried last summer, in which a Miss Smith recovered £3,000 from a Mr. Woodfine. The father of the lady swore that Mr. Woodfine had stated his income, chiefly arising from a brewery, to be £6,000 a year; and it appeared that the manner in which Mr. Woodfine had intimated his intention to break off the match was very unceremonious. The damages were not, therefore, excessive; but Mr. Woodfine bitterly resented having to pay them, and burning to discover a victim, he thought he might attack with advantage Messrs. Simpson and Co., of Moorgate-street, who had acted as his attorneys. We will not enter into all the minute details of the case; but we will state what were the precise grounds on which he accused them of negligence.

The first ground was, that Mr. Simpson, the senior partner in the firm, had given him a wrong answer on a point of law. When Mr. Woodfine first came to consult Mr. Simpson on the subject, he asked whether he could himself be examined as a witness, and Mr. Simpson replied that he could. He accordingly gave Mr. Simpson an outline of what his evidence would be. Subsequently Mr. Simpson subpœnaed Miss Smith, the plaintiff; and Mr. Woodfine suggested the line of examination to which she should be subjected. About a fortnight before the trial, Mr. Simpson discovered his mistake, and both he and another of the firm intimated to Mr. Woodfine that neither he nor Miss Smith could be examined. Accordingly, with Mr. Woodfine's approval, Mr. Smith, the plaintiff's father, was substituted; and in the briefs delivered to counsel, the proofs of Mr. Woodfine and Miss Smith were thrown into one, and set down against the name of Mr. Smith. Mr. Woodfine, in fact, directed his attorneys that they might rely on Mr. Smith's testimony to make good the representations on which Mr. Woodfine rested his case. Now, we have no wish to speak as if it were not a part of an attorney's duty to know the Common Law Procedure Act; at the same time, great allowance is to be made when the attorney is an old man, accustomed to a very different state of the law; and we may remark that this very week, the Chief Baron observed that he could not pretend to have at his fingers end all the provisions of this very act. Still it was a mistake, and a mistake to be regretted. But it produced no bad effect whatever, and Mr. Woodfine himself, having notice that it was a mistake, still thought himself safe in defending the action, and trusted to the evidence of Mr. Smith to replace that which he himself had proposed to give.

The second grievance of which Mr. Woodfine complained was, that the attorneys took no steps to show what his income really was. He alleged that it did not exceed £700 a year; but he fluctuated exceedingly in his statements on the subject; for when one of his counsel, on the morning of the trial, questioned him as to his means, he replied, that he might be worth from £1,500 to £2,000 a year. This at least was the impression of the counsel who was examined on the present trial. He also confessed that he had represented to Mr. Smith that the brewery was worth £100,000. This fact alone might naturally make an attorney very uncertain as to the expediency of entering into evidence of this nature, and there was besides another reason for the course which was actually pursued. Mr. Woodfine represented to him that it was not he, but the lady herself who had broken off the match, and he maintained that the evidence of her own father would show this to be the real state of the case. Accordingly, Mr. Simpson considered that the primary aim of the defence must be to get a verdict, and not to reduce the damages. And that this was Mr. Woodfine's view was made evident by the fact that when a compromise was proposed, on the terms that the defendant should pay £1,000, Mr. Woodfine refused, although this sum could not have been considered excessive, even if the property of the defendant was not greater than the smallest of the sums at which he estimated it. Mr. Simpson considered it would not be wise, if a verdict was aimed at, to go into questions of pecuniary means, and he, therefore, purposely avoided a subject that was irrelevant to the main gist of Mr. Woodfine's case.

Thirdly, Mr. Woodfine accused Messrs. Simpson also of negligence, because witnesses were not called for the defence, although he expressly desired that they might be called. Lord Chief Justice Cockburn, then Attorney-General, and Mr. Chambers, were the leaders in the case retained by the defendant, and they both attended in Court this week, and stated most positively that it was by their direction that witnesses were not called. The trial was adjourned from Saturday to Monday, and Mr. Woodfine states that he proposed to have witnesses ready on the Monday morning who should speak to the really small value of the brewery. There is some discrepancy in the evidence on this point, as the attorneys deny that the names of these witnesses were ever communicated to them. But it is certain that the evidence of no witness as to the means of the defendant could have been more important than that of his mother, who was thoroughly acquainted with his affairs; and the defendant's counsel, after hearing on the Monday what she had got to say, determined not to call her. The Attorney-General said he did not like to give the plaintiff a reply, and that he thought the last word was more important than any evidence as to property. The attorneys had nothing to do but to acquiesce; and if ever there was a clear case in which the opinion of counsel acquitted an attorney of all responsibility, it was so here.

The attorneys employed by Mr. Woodfine might, therefore, have confidently expected a verdict in their favour. We understand, however, that the jury sent a note to the judge intimating their opinion that the defendants had been guilty of negligence, but that no damage had thereby resulted to the plaintiff. Hereupon the judge conferred with counsel, and the defendants' advisers, remembering, no doubt, the fate of attorneys in former actions, consented to withdraw a juror, and so the trial terminated. As

regards the profession, we do not think a doubt can exist that Messrs. Simpson & Co. were substantially justified in all that they did, and the case presents few features that can be called very important or instructive. But as regards the general public, we may remark that this case strikingly shows that what is called negligence in an attorney, is often nothing but ignorance in the client. A professional man knows that if a defendant has real grounds to expect a verdict, the attention of himself and his advisers should be concentrated on obtaining that result. A professional man also knows the value of the last word, and the great danger of permitting an adversary to reply. But a hot-headed client, full of his own affairs, and utterly ignorant of the chances of a lawsuit, has no notion of all this, and despises the mere proposal to manage the case skilfully as an insult to his merits and to the justice of his cause. Attorneys must, therefore, often act in accordance rather with the dictates of their own experience than with the untutored wishes of their clients. If the client were to dictate absolutely to the attorney, it would be impossible for the attorney to conduct the case satisfactorily. We wish that the juries before whom actions for negligence are brought could be made to understand this, and could be induced to believe that it is not perversity or wilfulness, but knowledge of law and of men, which makes an attorney refuse to let his client adopt a course which the experience of countless trials has made him aware is dangerous.

Legal News.

The Equity Committee of the Incorporated Law Society have held several meetings lately to consider the present state of the Chancery offices, and the measures necessary to remove existing and notorious evils. The Committee have, we understand, this week agreed upon a Report which deals with the Judges' Chambers, the Taxing Masters' Offices, and the Accountant-General's Office, where the present defects are patent, and the remedies obvious. This Report has been adopted by the Council, and transmitted to the Lord Chancellor, who promises to give it attentive consideration.

Lord Brougham has extracted from the Lord Chancellor a similar pledge as regards the Report on Registration of Title to Land. Much interesting discussion has taken place in the House of Commons on the Testamentary Jurisdiction and Fraudulent Trustees Bills. The latter measure has passed through committee. We must reserve our abstract of the debate upon it, along with various other matters, until next week, when there will be more space at our command.

IMPEDIMENTS TO LAND TRANSFER.

(*From the Times.*)

Among other reforms wanting somebody to take them up in good earnest, there is one which we commend to the attention of the zealous but unemployed agricultural interest. Our great landowners want something to do, and are distrustful of schemes that promise to double the produce of the soil. One thing, however, they may easily do, if they will set their heads to work, which will vastly increase its marketable value. Can they not do away with the greater part of that immense difficulty and cost which encumbers the mere process of buying and selling land? It is an axiom, as Lord Brougham observed at the annual festival of the Law Amendment Society, that in England the transfer of an acre of land is the most difficult thing in the world. Of course, it may be said, the cost of transfer will increase in proportion to the smallness of the quantity. But, under the simplest conditions, and for very ordinary quantities, the cost is altogether out of propertion to the value; and the result is, that if a man has a hundred pounds he invests them in something of which he will get a hundred pounds worth—not in land, for the simple reason that of that commodity he will get only £70 or £80 worth, having to pay the difference for the law costs; knowing also, that, should he ever want to sell it, he will find purchasers deterred by the same consideration. In fact, land in small quantities and in ordinary situations is both difficult to obtain, and difficult to get rid of. No doubt, buying and selling is an expensive process in many other articles. If a gentleman wants a horse, he must pay half as much again as it is worth; if he wants to part with one, he cannot get half its value. The difference feeds the whole tribe of horsedealers and their various auxiliaries. It is the same with furniture, pictures, and a number of other things. The professional buyer says, "It is nought, it is nought," even if he expects to make ever so much by the bargain. In these cases the public are in the hands of the professional dealers, who know a great deal more about the article than the public, and have made it the business of their lives. They have a right to get something out of the transaction. We have no objection to jobbers. We are quite content there should be regular jobbers in land. But there is no such class as land-jobbers. In the transfer of land, the differences lost to the public do not go to a class more knowing than others in the value of land. They are not the natural reward of superior knowledge or enterprise. No; the immense loss upon transfers has nothing to do with value, with uncertainty of value, or fluctuations of value. It is suffered equally upon land of the most certain and of the most speculative value; upon land that a hundred people are ready to buy at a guinea a square yard, and upon land of which a thousand acres may or may not be worth having at all. The cost is in legal forms; in documents ten times as long as need be; in inquiries into title repeated over and over again, even where there cannot be a question, and never was a doubt.

But the most serious chronic depreciation of land is that which arises from the nature of the title itself, and it is one upon which the Legislature, often invoked, has every right to interfere. Whatever damages the property of the commonwealth is a public nuisance, and ought to be abated. Now, that the nature of certain titles does produce this damage is evident from the fact that an immense amount of property passes at a lower value, and remains in a lower condition, on account of its title. We might not be able to pronounce at once on the extent to which this principle should carry us. We may not be ready forthwith to ask for an Act converting all the houses on the Bedford estate from leaseholds into freeholds, even though we might believe that the process would be vastly advantageous to the Bedford family, to the lessees, and to the metropolis at large. But when nothing can be alleged, and nothing is alleged, in defence of a copyhold, or some other tenure, and where the advantage of a general enfranchisement is admitted on all sides, then it is mere prudery to question the right of the Legislature to step in and do a general benefit. When a legal form, itself the creation of the Legislature, clogs, impairs, and imperils the enjoyment of property, exposing it to uncertainty and to periodical difficulty and loss, of course it prevents the investment of capital in the improvement of that property. It deters the occupier, or *quasi* proprietor, from raising substantial buildings, and from giving his heart to the estate. It prevents, in fact, that very thing which it is the chief object of political and legal institutions to promote; not only for the happiness of individuals, but for the good of the whole nation. When it is evident there is such an incubus upon property, and when it tells its own tale by the depreciation of property, then surely the Legislature may set boldly to work, as it would to rid the community from terror of foreign aggression or social disorder. Yet just such an incubus is every description of title to land which depreciates it, which renders its tenure precarious, which discourages improvement, and sends away to any mad speculation, or to any foreign scheme, the capital which might otherwise be fixed on our own soil.

It is true that the original imperfection of the tenure is often the least defect in a title; and even in the case of the best freeholds accident, or capricious disposition, mortgages, and settlements, may complicate an estate to an extent seriously injurious to the public interest. The owner may so bequeath or so encumber a property that it shall not be worth anybody's while to risk more than a yearly occupation upon it. In this case there will be no improvements, no roads, no houses, no drainage, nothing done, except what the State in some formal and cumbrous manner may compel, on the property of a whole district. We have heard of complications so manifold and absurd, that we should not be believed if we were to state them, except by the lawyers. In these cases no man in his senses will spend his money on an estate which the caprice of one man, the death of another, the disagreement of half-a-dozen others, and possibly some other contingency, will suddenly take away from him, or only leave in his occupation at an unreasonable cost.

But there is no valid reason why land and houses should not be rendered as easy and cheap of transfer as money in the funds. They can be registered and described as easily as the Three per Cents.; divisions, accumulations, and all changes can be perpetually entered in public books, as easily as an inventory made of the furniture of a house; and the transfer can be done simply by the substitution of one name for another. Thus, the title once established, there would be no occasion to scrutinise it over and over again every time a property is sold or a mortgage contracted. The work once done would stand good for all purposes; and if the lawyers had not quite such heavy costs on each conveyance of land, they would find they would have many more such conveyances, that land was in more request, and that more money was spent upon it.

QUEEN'S BENCH.

(Sitting at Nisi Prius, at Guildhall, before Mr. Justice WIGHTMAN *and a Special Jury).*

WOODFINE *v.* SIMPSON, ROBERTS, & SIMPSON.

July 6.

Sir *F. Thesiger*, Mr. *Jackson*, and Mr. *Field* were counsel for the plaintiff; Mr. Serjeant *Byles*, Mr. *Tomlinson*, and Mr. *Prentice* for the defendants.

This was an action against the defendants, as attorneys, for negligence in the conduct of a cause of *Smith* v. *Woodfine*. The defendants pleaded "Not Guilty."

Sir *F. Thesiger* said that this was a case of very great importance, and more especially to the defendants, who were solicitors of very high respectability, but who were charged with negligence in the conduct of a cause intrusted to them by Mr. Woodfine. The plaintiff carried on the business of a brewer at Hornchurch, in partnership with his mother. The plaintiff's father had died in 1853, leaving his property equally between his widow and three children. The plaintiff's share amounted to about £11,000, and altogether his income was about £750 per annum. In May in last year the plaintiff was informed by the attorney of Miss Smith that he was instructed by that person to bring an action against him for breach of promise of marriage. The plaintiff upon that proceeded to the office of the defendants, who had been his father's attorneys, and he saw Mr. J. A. Simpson, and related to him the facts. Mr. Simpson expressed a very strong opinion with regard to his success in the action, and that the plaintiff had acted justifiably. Mr. Woodfine asked Simpson whether he could be a witness in the action, and Simpson said he could, as the only exception in the Common Law Procedure Act was in the case of adultery. Simpson did not ask him as to the amount of his property. The action was brought, and the damages were laid at £3,000. Woodfine wrote a statement of the case, and took it to Simpson, and a draft brief was prepared and sent to Woodfine, and in that brief, which was very meagre, the first witness set out was Woodfine himself, and there were instructions for the examination or cross-examination of Miss Smith, the plaintiff in that cause; and it would be shown that Miss Smith had been actually subpœnaed as a witness on behalf of Woodfine. A day or two before the cause came on, Roberts, the partner of Simpson, told Woodfine that his partner had made a mistake, and that he could not be examined. The trial commenced on Saturday, the 5th of July, and Mr. Smith was called, and he stated that Woodfine had told him that he was worth £6,000 a year, and that the brewery was worth £100,000. The trial was adjourned that day, and Woodfine and his mother went to Simpson and told him that witnesses must be called to contradict that statement. Roberts said it should be made all right on Monday. Witnesses, however, were not called, and a verdict passed for the plaintiff, with £3,000 damages. The present plaintiff now complained that the defendants had been guilty of negligence in not ascertaining the value of the property, of ignorance of the law as regarded his being called as a witness, and of not following the instructions of the plaintiff by calling witnesses.

Thomas Woodfine.—I am a brewer at Hornchurch. In May, 1856, I received a letter from Clayton & Co., stating that they were instructed by Miss Smith to bring an action for breach of promise of marriage. I went to the defendants, who had been employed by my father, and saw old Mr. Simpson. I stated the facts to him. He said, "They cannot prove a breach, or, if they can, you are justified in making one." I asked him if I could give evidence, and be a witness. He said, "You can; the Common Law Procedure Act has altered the law, and plaintiffs and defendants can be examined except in the case of adultery." I said, "Then I am perfectly safe, as I can prove all I have stated." I received a letter on the 8th of May from the defendants, asking to see any letters. On the 15th of May I received another letter from the defendants, stating that proceedings were commenced, and asking for any letters. On the 17th of May I went to the defendants' office, and handed letters and a full statement of the case (19 sheets). On the 5th of June I received a letter from the defendants with draft brief. On the 14th of June I received another letter from the defendants requesting me to read over the brief. The draft brief contained a statement that the defendant was a brewer in good business at Hornchurch, and that his father died a few months ago possessed of considerable property. That was all that related to the defendant's property. It also stated, that, if it should be thought necessary to go into evidence, the defendant was ready to substantiate his statement; and, in the proofs, the defendant's (Woodfine's) evidence was first set out; and there were minutes for the examination or cross-examination of the plaintiff, Miss Smith, who had been subpœnaed for the defendant. On the 17th of June I accompanied my mother to the defendants' office, and we saw old Mr. Simpson. I said to him, "There is next to nothing in the brief." He said, "I have omitted everything offensive purposely." I said, "How are the judge and jury to know the insults I have received?" He said, "It will all come out on your evidence, and you will stand so much better." I said, "Are you perfectly sure I can be examined as a witness?" He said, "You can; there is no doubt of it." I then said, "I am perfectly safe." He said he had subpœnaed Miss Smith and her father. The trial was fixed for Saturday, the 5th of July; and, the day before, I called at the defendants' office, and saw Mr. Roberts, one of the defendants, for the first time. He said I should come off with flying colours. I said, "I dare say the people will laugh at me for a fool when I get into the box." Roberts said, "Its a mistake; you can't be examined." I said, "Why, that's what I have always relied upon." On the Saturday, I came to town and went into court, and about four o'clock the trial was adjourned. I then went to the defendants' office, and saw Mr. Simpson. My mother said, "I am perfectly astonished at the statements made by Mr. Smith; they are incorrect, and must be denied; for I can prove that he had not a farthing in the funds." Mr. Smith had stated in the court, when examined that day, that I had told him that I had £19,000 in the funds, and that the brewery was worth £100,000, and the profits were £6,000 a year, and that I had other property also. My mother added, that, as regarded my income, Mr. Smith had put an "0" too much. She said the property had all been valued three years before, and my share was only £10,000; that Mr. Collier, of King William-street, had valued it, and he must be called; and Mr. Mason, of Romford, had valued some part of it, and he must be called; also Mr. Shaw, who had been my father's attorney, had prepared the accounts, and he could prove what the amount of my share was. I told Mr. Roberts, who was present, that the statements made were not true; and that Mr. Collier and Mr. Mason must be called, as it would make a great deal of difference. Mr. Roberts said, "It shall be made all right on Monday." On Monday, the 7th, I came to town with my mother and sister. I saw Mr. Collier that morning, and I told him of the statements, and made an arrangement with him as to where he would be during the day, as he would be wanted as a witness. I saw Mr. Roberts that morning, and I told him I had seen Collier and knew where to send for him, as of course witnesses would be called. He said, "Where is your mother? I want to know what she can prove." I called her into the office, and he asked her questions; and she said, that Mr. Smith had told her his daughter could look like any devil, and that she did not care a farthing for me. My mother said she could prove that my income was about £700 or £800 a year. I went to the consultation that morning with the Attorney-General just before the court sat. The Attorney-General asked what my mother could prove. I said, "She can prove many things, and entirely alter the case." The Attorney-General said, "Read over what Mrs. Woodfine can prove." Some one then came and said the cause was called on, and we left. Before Roberts left, he said my mother and sister were frightened. I said, "They must and shall be called, and of course you will call witnesses as to the property; that must be set right. I don't care a fig about the reply of counsel. Witnesses shall be called." Roberts said it should be all right. Witnesses were not called for me, and a verdict passed against me with £3,000 damages, the whole amount laid in the declaration. Mr. Simpson had never asked me before the trial as to the amount of my property, but I had told him all about it before the draft brief was sent—that my share was between

£10,000 and £12,000; and that times had been bad for brewing in consequence of the war, and that the property had all been valued on my father's death; but he asked me no question about it. After the trial we went to the defendants' office and told him it was entirely his fault; that he had misled me, and had opened the eyes of the opposite attorney; that he had no lawyer to deal with; that he had not explained anything, and only one side had been heard; that he had letters in his possession which he ought to have produced. On the day after the trial I received a telegraphic message, "Come immediately; counsel say we can get a new trial;" and I went to the defendants' office, when Simpson said it would be necessary to make an affidavit, and I should be examined before the four judges *in banco*. I afterwards told Simpson I had no confidence in him, and must take the papers away. Simpson said he was extremely sorry: he must admit that he had been in error. I said, "I suppose you will want your bill paid?" He said, "As I have been wrong, I will not make any charge; we will see the result of a new trial." I afterwards paid him £132. I then went to Mr. Taylor, who wrote for the papers, but Simpson said he would not give them up until he was paid. A rule for a new trial was granted, but ultimately was discharged. I have paid altogether £4,000 for damages and expenses. (In the draft brief the present plaintiff was put down as the first witness, but the engrossment was altered to "If the plaintiff could be examined, he would state, &c.").

Cross-examined.—I have since been married. My counsel were the Attorney-General, Mr. M. Chambers, and Mr. Prentice (the last was now engaged for the defendants). There was a consultation on the morning of the trial, at which I was present. My counsel were all there. I did not at that consultation tell my counsel that I had £2,000 a year. Mr. Chambers asked what we returned for property-tax. I answered £1,200 a year. Mr. Chambers said, "Is that your's or your mother's?" I said, "It was all the brewery—my own and my mother's together." I never told the Attorney-General I had £2,000 a year, or that it was from £1,500 to £2,000 a year. They asked me what I had told Miss Smith. They asked me what my income was. I did not tell them from £1,500 to £2,000 a year. I said, some years the whole of the brewery might be £2,000, but my income was not more than £700 or £800 a year. To the best of my recollection, I told them so. I certainly told them £700 or £800 a year. The consultation was much hurried. Mr. M. Chambers laughed, and they joked me about Miss Jones. I have not a farm of my own. I lease a farm of about 370 acres. The brewery is freehold. We have public-houses. There are eleven freehold, three copyhold, and sixteen leasehold public-houses. I don't know what malt duty we pay. I made an affidavit, and did not deny the statement made by Mr. Smith, that I had told him the brewery was worth £100,000. I said I should not like to have that denial put in the affidavit, because there were circumstances that required explanation. I had made remarks in joke to Smith's family. I said in their house, "They say we have sold the brewery for £95,000; is not that a good joke, for I should not have valued it at half that sum." I never told Smith that it had been valued at £50,000 or £60,000, but that it was worth £100,000. I did not tell him that the brewery had brought in the last year £6,000. I did not tell him I had £19,000 in the funds. I had not any money in the funds. There is money standing in the funds in my name and my mother's, as trustees for my sisters. I don't know what the amount is. I can swear it is under £10,000. I think the draft brief was sent to me a month before the trial. I did not correct the statement in the draft that my father died worth considerable property. I was not told a week before the trial that I could not be examined as a witness. It was only two days before the trial that Roberts told me his partner had made a mistake. I was not told so on the 25th or 27th June. At the consultation the Attorney-General came in in a great hurry, and while he was dressing himself, and taking breakfast, he shouted out, "Tell Chambers to take the first witness." The Attorney-General did not tell me he should not call witnesses. He said nothing to me about not liking to give them a reply. I did not correct the draft brief. I suggested a few alterations. I did not expect to have to teach Simpson the law.

Re-examined.—The consultation on the Monday lasted about seven or eight minutes. The counsel were very jocular, particularly Mr. Chambers.

Mrs. Mary Woodfine, the mother of the plaintiff, corroborated him as to the instructions to call witnesses. The profits of the business had been valued at £1,200 a year, but she thought that too high.

Mr. Shaw, who formerly acted for the plaintiff's father as his attorney, but who had retired from business, stated that the real and personal property of the late Mr. Woodfine was valued at about £40,000. That was the whole amount divisible among the family.

Mr. Serjeant *Byles* then addressed the Court for the defendants. Although he believed the verdict would be for the defendants, yet from the speech of his friend it was impossible but an impression must have been made. The defendants had not stirred up this litigation. The plaintiff had gone to them in his extremity. His friend had twice vouched the respectability of the defendants. The elder Mr. Simpson had been in practice forty years, and his experience was assisted by younger men. There were few positions more honourable than that of a solicitor. He had the confidence of the nobility and all classes, and matters of the greatest complexity and delicacy were placed in his hands. Counsel, who had large emoluments and seats in Parliament, were the makers and administrators of the common law; if they made mistakes they were not amenable because it was supposed they worked gratuitously, but the attorney was held liable for any error or mistake, although his profits were but small. When, however, an attorney acted under the advice of counsel he was safe. The present defendants employed the late Attorney-General, now Chief Justice, and Mr. M. Chambers, and they would both be called, and would state that they advised the defendants that witnesses ought not to be called. In that action a verdict for £3,000 was given, and he (the learned counsel) was sure the present jury would have done the same. That verdict afterwards met with the approbation of the Judges of the Court of Common Pleas, upon their discharging the rule for a new trial; and now the plaintiff wanted to get all this money back from his unfortunate attorney. In cases of breach of promise of marriage it was a very rare thing to call witnesses for the defendant. There was no doubt of the promise and the breach. Suppose the mother had been called, the counsel would have got out from her these numerous public-houses, and she must have been cross-examined more strictly than was necessary on the present occasion. The Attorney-General had seen all this, and he also knew what this gentleman had said on consultation. The Chief Justice would say that he had told them his income was £2,000 a year. After what the jury had heard, would there have been any use in calling witnesses to try and cut down the value of the property? They had now seen the books under a judge's order, and the value had been very considerably understated. Was the plaintiff now to say, "I did tell Mr Smith so, but I lied?" It mattered not what inquiry had been made, for the Attorney-General had said it was not expedient to call witnesses and give a reply. The brief stating that the father had been a man of considerable property had been laid before the plaintiff, and he had not suggested an alteration. If inquiries had been made, they would only have shown that his property was large. Then it was complained that the defendant had said that Woodfine might be examined as a witness. An Act of Parliament had recently passed altering the law, and anybody, even a judge or a counsel, and more so an attorney, might fall into a mistake. The question then arose as to when the mistake was discovered. He should show that a fortnight before the trial Woodfine was told that he could not be a witness. But if he could have been called, did they believe the Attorney-General would have called him, and subjected him to cross-examination? He was sure he would not have done so. The plaintiff then complained of witnesses not having been called. That was not for his client to do, the responsibility rested with his counsel. God forbid that counsel should be personally responsible; for, if they were, they would in every case say "Call witnesses." The moment counsel decided, the attorney was relieved from responsibility. The counsel at consultation heard the whole case, and they exercised their discretion. They had heard the defendant's admission, and upon that they determined not to call witnesses, or they might enhance the damages. The young gentleman wished the Attorney-General to fight the whole case—first denying the promise, and then denying the breach. He submitted that the former jury had given a most righteous verdict; and, had witnesses been called, the damages might have been larger still. He trusted that he should have the satisfaction of hearing their verdict for the defendants.

The Lord Chief Justice of the Common Pleas.—Last year I was Attorney-General. I had a brief in a cause of *Smith* v. *Woodfine*. I was counsel for the defendant. I don't remember the date of the trial. The brief was delivered in sufficient time for me to master it. There was a consultation on Saturday morning, the morning of the trial. The defendant was present, and took upon himself the business of the attorney. A more

hot-headed client I never had. A question was made about Woodfine's property. He made a statement as to his property, but as to amount I cannot say; but he made it amount to such a sum as led me to think, if the plaintiff succeeded, the damages would be something considerable. Mr. Smith was examined, and gave evidence of statements made by Woodfine of his property. It certainly was in excess of what the defendant had said to be the amount of his property. I know we considered whether we should call the defendant's mother. That was submitted to me, and I took upon myself, with the concurrence of my coadjutors, not to call her. I now recollect there was a consultation, if I am not mistaken, on the Monday morning. Smith had made out a much stronger case than the defendant had led me to suppose possible; and as I believed Smith's statement, I was led to mistrust the defendant's statement. One view of the case made by the defendant was that the breaking off the marriage had proceeded from the young lady's family, and not from himself. The plaintiff's case showed it had been done chiefly at the instigation of his mother. I had so much distrust as to the reliance to be placed on the defendant's case that I said, "Although there may have been an exaggeration as to the defendant's means, there would be danger in calling witnesses." I am bound to say the attorney had nothing to do with it. Counsel, and not the attorney, determined the course.

Cross-examined by Sir *F. Thesiger*.—As regards being concerned in cases of breach of promise of marriage, I see my superior. There was no lack of discussion about calling witnesses as to the property. I thought the defendant might have exaggerated the amount of his means to make himself more acceptable. There was no additional brief delivered, I think. You go away for the long vacation, and it goes out of your mind. I did my best to settle the action. I was not told that it was the defendant's determination to have witnesses called. The defendant put his attorney quite on one side. I could not keep him quiet. It must not be supposed, because I was at breakfast, that the consultation was a hurried one, because such was my habit. The other side wanted £1,000, and I advised Mr. Woodfine to give it. If Mr. Woodfine had insisted upon calling witnesses, I should have said, "I will do so, but it is contrary to my most determined advice." Woodfine took the lead and kept it, and in no case was an attorney less responsible.

Mr. M. Chambers.—I held a brief in that cause. I don't recollect how long the brief had been delivered before the trial. I recollect the consultation. The defendant, in answer to my questions as to property—my impression is, but I won't bind myself to it—said, "From £1,500 to £2,000 a year." I agreed, after hearing the evidence for the plaintiff, that witnesses should not be called. I have no recollection of what occurred at the consultation on the Monday morning. Woodfine did not put his income as low as £700 or £800 a year. I think not. It would have been extremely imprudent to call witnesses. I observed not the least want of skill or care on the part of the present defendants. Woodfine took a very active part at the consultations. He said he had been hardly used by the Smith family.

Cross-examined.—I don't remember the jocularity at the consultation; but it is very likely. I was not aware that Woodfine had insisted upon witnesses being called. I was counsel for Woodfine upon the application for a new trial. I don't know that I ever mentioned that Woodfine had stated his property to be £1,500 a year. I recollect the brief stating that it was £700 a year. I was much surprised at its being put so low. If the attorney says there were three consultations, no doubt there were. I heard that Mason and Collier could speak as to the property, but I don't know when. The usual course in these cases is to state the general circumstances, but I have a very limited experience in breaches of promise of marriage. If I had been told that the client insisted upon witnesses being examined, it is difficult for counsel to say what he would do. I think I should take upon myself to act according to the best of my judgment. When a counsel exerts all his abilities I think he should take the responsibility. Mr. Woodfine was sitting by me in court, and he made no suggestions. Clients will interfere and talk. I should expect to receive communications from the attorney. I have no belief whether I was told or not that Mr. Woodfine had insisted upon witnesses being called. Mr. Woodfine was sitting behind Mr. Prentice.

July 7.

The Lord Chief Justice of the Common Pleas stated that he wished to add to his evidence. He had stated yesterday that if Mr. Woodfine had acted according to his advice he would have given £1,000. It had occurred to him since, that this might have created an impression that he had advised him to give that sum. What he meant was, that he felt so strongly that the case was desponding, that, if Mr. Woodfine had acted according to the spirit of his advice, he would have compromised the matter by giving that sum. No sum was mentioned but £500, and that sum he had offered, but it was rejected so peremptorily, and the sum named as the *minimum* on the other side appeared so large, that he thought the case ought to be fought out.

Mr. Justice *Wightman* said he did not know what view the jury took of the case after the evidence of the Chief Justice—whether there was any culpable negligence; because it was quite clear, that, under the circumstances, the counsel would not have advised witnesses being called.

Sir *F. Thesiger* said, of course, if that was now the opinion of the jury—

The Judge.—It had occurred to him, that, after the evidence of the Chief Justice and Mr. Chambers, the jury might have formed an opinion on the matter.

A Juror.—It depends entirely whether or not the advice of counsel is to override that of the solicitor; in that case I fancy the trial would be at an end.

Sir *F. Thesiger* said there would be this consideration, as to whether there was a communication made to the counsel of the strong determination of the client that witnesses should be called.

The Jury.—We would rather hear the case.

Mr. Smith.—I reside at Hornchurch, and was for many years in the Audit-office.

After some discussion it was ruled by the Court that the proper mode of proving what this witness said on the former trial was by reading the transcript of the short-hand notes taken on the trial.

Mr. Cherer put in a transcript of the notes he took of Mr. Smith's evidence on the trial of *Smith* v. *Woodfine* this day twelve months.

The transcript was read. Smith stated that Woodfine had told him he had £6,000 a year, and that the brewery was worth £100,000, and that he had £19,000 in the funds.

James Alexander Simpson.—I am one of the defendants. I commenced practice in 1818. The plaintiff called on me on the 5th of May, 1856. He was a stranger to me at the time. The plaintiff brought me an attorney's letter threatening an action against him. He went into a long explanation of the facts, and stated that he had been most shamefully treated by the Smith family, and this was an attempt to extort money, and he would resist it if it cost him £1,000. I was led to believe that Miss Smith had broken the contract, and not he. I had a correspondence with the other attorney, and communicated it to the plaintiff. I cautioned him of the consequences, and told him a refusal in plain words was not necessary. Immediately after the writ was issued I requested him to give me in writing the dates of all the transactions. He brought me a written statement. I asked him particularly whether anything had been said in reference to settlement or means. He said, "No;" he had told Mr. Smith that what he intended to give his daughter he might give to her brother, as he did not want it. Upon that I instructed counsel to prepare the pleadings, which I afterwards explained to him. I consulted him particularly as to the counsel he would wish engaged, and we determined on the Attorney-General and Mr. Chambers. After notice of trial I wrote to apprise him it had been given. He called the next day, and I said I would prepare the brief immediately, that there might be ample time. I prepared the brief, endeavouring to embody in it everything he had told me. I sent him a copy of the brief, and a draft of a proof for him and his mother, on the 14th of June. I wrote also, that, although I had sent him a proof, there was no probability of any witnesses being examined. The plaintiff called on the 17th with his mother, and brought back the brief, and suggested several alterations and corrections, which were all made. Mrs. Woodfine wished the evidence to be corrected. She said, "You seem to have let the Smiths off very easily." I said I should be doing injustice to her son if I introduced such a line of defence. The brief was again sent to him corrected. I was then under an impression that he would be examined. I had mistaken the Act of Parliament. I discovered my error on the 20th of June, and I am under a strong impression that this was communicated to him on the 21st of June. I was afterwards taken ill. On the 27th of June I had a long conversation with Woodfine, and expressed my regret that I had fallen into the error; but I said it would not prejudice him, as in a case of this kind it was an unheard-of thing to call witnesses, the object being to have the

last word. Mr. Roberts took the management of the case from that time. I saw Woodfine on the Saturday afternoon of the trial, between the two hearings. Mrs. Woodfine complained that Mrs. Smith had given evidence that was perfectly untrue. I was going out, as I was very ill. I saw the plaintiff again after the trial. He complained of the result, and of the evidence that had been given; that the Attorney-General's speech was an ineffectual one. He made no complaint of me, or about witnesses being called. He never told me what his property was. I always went for a verdict. The day after the trial, he went into a statement of his property. I did not hear them say on the Saturday that they could prove that he had no money in the funds.

Cross-examined.—It is the duty of the attorney to prepare the brief. It is his duty to make the proper inquiries. I always felt that if I went into a statement of his property, I might induce counsel to think I had not confidence in his statement, which I really had. It is a matter of opinion whether I ought to have made counsel aware of everything. In ordinary circumstances it is usual to state the particulars of the property, but it must be left to the discretion of the attorney. I intended leaving it to counsel to ask for any further information they might require. A brief where counsel require further information is not defective. It is a matter of opinion. It is the solicitor's duty to instruct counsel fully according to his discretion. I did not think it expedient to go into particulars of his property. I believed that he could be a witness. He did not ask me whether he could be a witness, as I believe. I don't mean to deny that I might have said that parties might now be witnesses. I did not prepare the brief till after issue delivered. The brief was engrossed, I think, between the 24th and 26th. I have office books. I was under a misapprehension as to the exception in the Act. I think I looked in the Act on the 21st. I subpœnaed Miss Smith under the same impression. I undertook the whole of the business down to the time of the brief being prepared. On the 27th I told Woodfine I had found I was under a misapprehension as to the Act of Parliament. He did not say he believed the brief to be very meagre, but, on the contrary, Mrs. Woodfine said I had not abused the Smith family. After the first day's trial, the plaintiff and his mother did not complain of the statements of the witnesses, and that they must be contradicted. She said the statements were untrue. These particulars will not be found in my day-book. I did not lay instructions before counsel to advise upon evidence. I delivered the brief a week before the trial. I never knew an instance of witnesses being called for the defendant in such a case. I could not get a consultation with the Attorney-General, though I sent every day, he was so much engaged. I might have had a conference with Mr. Prentice, but I did not think it a case that required it. When I discovered the error, I altered the brief. The proof of Miss Smith for cross-examination was engrossed. There was a proof for the present plaintiff which is altered to Mr. Smith, embodying the evidence of Woodfine and Smith. I asked Mr. Woodfine whether I could rely upon Mr. Smith giving fair and impartial evidence, and he said I might. I never had any communication with counsel. I was ill. I had stated in the brief that the plaintiff's family would not hesitate as to the means of obtaining their ends, as the whole was a conspiracy. When the plaintiff was going to take away the papers, I did not say I admitted I had been in error. He said Mr. Roberts had insulted him by stating that he believed Mr. Smith's statement in preference to his. I said I was sure he did not intend it. I never said that I admitted I had been in error, and would not make any charge; not a word of the sort took place. I know affidavits were prepared. On the 8th of July, Mr. and Mrs. Woodfine came to the office and saw Roberts. The names of Collier and Mason were never mentioned; if they had been, I would have taken care they should have been in attendance. I could not have mentioned them to counsel. If my client had insisted upon witnesses being called, I should have mentioned it to counsel. Circumstances may alter the course to be adopted. No doubt the amount of property would influence the jury.

Re-examined.—In my brief I said the plaintiff was the son of a man of considerable property. In my opinion that was a proper statement to make. I did not consult Mr. Prentice, because I thought it desirable to have a consultation with all three counsel.

Mr. Roberts.—I am one of the defendants. The plaintiff first spoke to me on the 21st of June. The plaintiff had the brief three times. He suggested an alteration in the brief. On the 22nd or 23rd I saw the plaintiff, who asked what I thought of his case. I said, "According to your own case, you stand well, but in these cases the juries go with the lady." He said, "I suppose my oath is as good as hers." I said, "You will neither of you be examined as witnesses." He said, "Oh, I did not know that. Mr. Simpson seemed to be doubtful." I saw him on the 27th. I am positive he knew he was not to be a witness. He said, "Can I get any other evidence which I may have supplied?" I said, "I don't think you can, because you seem to have been by yourself on every occasion you saw the Smiths." I saw him frequently afterwards, just for a moment. I did not attend to the case. We were not able to get a consultation earlier. I sent up our clerk every day to the Attorney-General. The consultation was on the morning of the trial; it lasted over half an hour. The other counsel were present. Mr. Chambers asked the plaintiff what his income was. The plaintiff said about £2,000 a year. Mr. Chambers said, "But what did you tell the lady you had?" The plaintiff hesitated, and said, "I might have told her £2,000 or £1,500 a year; but I am not sure." The Attorney-General said, "You have been a great fool, Sir; you will have £2,000 at the least to pay." I asked counsel whether there was anything wanted; they said, "No," all of them. I suggested to Mr. Prentice a proposal as to a compromise, as the Attorney-General seemed to have a bad opinion of the case. Mr. Prentice said, "Which had you rather do, give £1,000, or run the chance of a verdict?" The plaintiff said, "I would prefer going to trial; if the whole amount is given, it will not hurt me." He was in an excited state. He was present at the trial, by the side of Mr. Prentice. I heard Mr. Smith examined about the property, which came upon me by surprise, as the plaintiff had given me no information upon the subject. After the first day's trial, I said to the Attorney-General, "I can't believe that Smith's statements are true; shall I obtain any evidence of fortune?" The Attorney-General said, "No; they are only what Smith said Woodfine stated to him, and you can't contradict them." I asked him again if there was anything else I could do. The Attorney-General said, "Yes; I want to know what the old lady says about the interview." I then left the court. The Attorney-General said, "I must place it all upon the father, the hasty issuing of the writ, and the lawyer's letter." I left the court accompanied by the plaintiff and his family. Between Guildhall and Moorgate-street, I said to him, "These statements of Mr. Smith are very awkward; tell me, did you ever make those statements?" He said, "No; they are all —— lies." I said, "What is the value of this brewery?" He said, "Certainly not more than £50,000, at the outside." Not a single syllable was said to me about Mason, Collier, or Shaw on that day. I then went to my office, and met Mr. Simpson going out. The plaintiff did not to him mention the names of Collier, Mason, or Shaw. Mrs. Woodfine's carriage was waiting. I told her what the Attorney-General had said about the interview with Miss Smith, and requested her to bring me an account of it. On Monday morning Mr. and Mrs. Woodfine came to my office. I went through a written statement which she brought with her, and her statement did not appear to me to be collected and clear. On that morning, either before, at, or after consultation, not a word was said about Collier, Mason, or Shaw. I said to Mrs. Woodfine, "At all events, you can swear that your son has no money in the funds." She said she could state it. I then had a consultation with the Attorney-General, and I communicated to him whatever Mrs. Woodfine had told me. The Attorney-General questioned Mr. Woodfine, and there was a discussion as to calling witnesses. The Attorney-General said, "I do not like to give them the last word. I will not call Mrs. Woodfine." In my judgment I did not think it desirable to call any witnesses. I remember an application to stay the execution. The plaintiff said he was afraid he could not, in his affidavit, deny that he had told Smith the brewery was worth £100,000. The statement as to the plaintiff's income was originally left blank in the affidavit, but was filled up by his dictation as £750. I think on the 9th of July he complained of negligence. He said that the Attorney-General had managed his case very badly; that he had not read a letter of Mr. Simpson to Clayton and Co., and he was sure we had not given him a sufficient fee. He then complained of me for the first time. He did not, on the Saturday after the trial, say there was a great deal of difference between £600 and £800; and I did not say it should be set right on the Monday.

Cross-examined.—The first business I did in the case was the delivery of the briefs on the 1st of July. I had not done anything in the cause before, except just look through the briefs. I did not first enlighten Mr. Simpson as to his being a witness. I had never given such a matter a thought. If I had

been asked, I might have said I would look; but it never occurred to me. I would not have given an answer without looking. I did not see in the draft brief that Mr. Woodfine was put down as a witness. When I read the brief he was not put down as a witness. I think I heard that Miss Smith had been subpœnaed. I now do know it. When I heard she had been subpœnaed, I did not go and remonstrate with my partner. On the 21st I had no material conversation on the subject of the cause. When the Court rose on the Saturday, the plaintiff and his family came to the door of the office. I am inclined to think the mother and sister stood by the door. The carriage may have been Mr. Thompson's. At no time on the Saturday or Monday was any mention made of Collier or Mason; nor was anything said about the property having been valued. Mr. and Mrs. Thompson did not walk with me from the court, and find fault with me for not calling Collier and Mason. They walked behind me. They found the greatest fault with the Attorney-General for not calling Mrs. Woodfine.

James Hewlett.—I am clerk to the defendants. I delivered the briefs in "Smith and Woodfine" on the 1st of July. I applied for a consultation every day at the Attorney-General's chambers, and also to his clerk at Guildhall, and got as early a consultation as I could; and that was on the Saturday morning.

The following evidence was then produced for the plaintiff:—

Mr. Thompson.—I and my wife walked from the court on the Monday with Roberts. My wife found fault with him for not having called Mason and Collier, as he had been told to do, on the Saturday.

Cross-examined.—My wife said, "You ought to have called Mr. Mason and Mr. Collier," and—she was most intemperate—"you ought to have called witnesses for the defendant."

Mrs. Thompson.—After the verdict, I walked with my husband and Roberts from the court. I found fault with Roberts, and expressed myself in a manner my husband did not think ladylike.

Cross-examined.—I asked him why he had not called Messrs. Collier, Mason, and Shaw, as my mother and brother had requested on the Saturday. I said they ought to have been called, and asked how the jury could understand the case without their being called.

Mr. Serjeant *Byles* then proceeded to sum up the defendants' case. Mr. Thompson and his wife differed as to the words used, and the important words were, "as you were desired to do on the Saturday," and Mrs. Thompson varied her statement. If his client were not an attorney, there would not be the slighest doubt as to the verdict, but he knew an attorney had harder measure dealt out to him than others, and a learned judge had said he expected to see the day when a rule should be moved for calling on an attorney to show cause why he should not be executed. An attorney was justified in following the course pointed out by his counsel, and if he did not follow that advice he was not justified. If a client was absent on a trial, an attorney was liable to an action if he did not follow the advice of counsel. It was the bounden duty of an attorney to obey and act under the advice of counsel. Mr. Woodfine had his own counsel, and well had he chosen; for that learned judge had, by his high talent and exertions, well merited the high position in which he was placed, and no man was more properly placed. His friend Mr. Chambers was well known in this hall, and Mr. Prentice was a most eminent lawyer; and both might well aspire to sit in the place, or near the place, of the Lord Chief Justice.

July 8.

Sir *F. Thesiger* addressed the jury in reply.—He disclaimed any intention of endeavouring to inflame their minds by the vulgar prejudices entertained against attorneys. The question was, not the high respectability of Mr. Simpson, but whether in this cause he had exercised that diligence and judgment which were required of him. When an action was brought against a man he had recourse to his attorney, and fully stated to him the whole of the facts; and it was the duty of the attorney to extract from the client the nature of the action and the evidence that could be brought to bear upon the case of the defendant, and then, after receiving the pleadings, to prepare a brief; and the attorney did not relieve himself from responsibility by sending the brief to the client, who could not be supposed to understand its different bearings. The attorney then delivered the brief to counsel, who could not go beyond the information it contained. When the case came on for trial, then the counsel's responsibility commenced, and he acted in the conduct of the cause according to his judgment and discretion. These being the different duties of the parties, let them look at the conduct of the defendants. In an action for breach of promise of marriage one important point was the amount of the property of the defendant; but in this instance Mr. Simpson seemed to have been inoculated with the sanguine view of Mr. Woodfine, and to have only looked to the verdict. He thought it was the duty of the attorney to look to every phase of the case, and Mr. Simpson ought to have seen, that, if a verdict should go the other way, the amount of property became of the greatest importance. His friend said the brief did contain that information. The brief said, "The defendant is a brewer at Hornchurch, in good business, and his father died lately possessed of considerable property." Did that convey to the counsel any information at all of the amount of the property? But it did convey to them the idea that the defendant was a man of great property. The preparation of the brief was governed by the extraordinary mistake into which Mr. Simpson had fallen. His friend had said that that had been no disadvantage to the plaintiff because he had been informed of the mistake by Mr. Roberts some days before the trial; but the whole brief was prepared upon the assumption that the plaintiff and the defendant could both be examined. The brief had been sent to Mr. Woodfine with his proof, and instructions for the cross-examination of Miss Smith were set forth. But counsel received the brief denuded of the information as to the property, which had before appeared in the evidence of Mr. Woodfine. They then came to the turning point of the case, upon which there was contradiction in the evidence. It was said by the plaintiff that circumstances had occurred which rendered it necessary for the defendants to be extremely cautious, and to have communicated to the counsel the evidence that could have been given upon the value of the property. Mr. Smith's evidence was a statement which he asserted Mr. Woodfine had made to him. He could not be contradicted; but the ascertained value of the property could be shown, and Mr. Woodfine, Mrs. Woodfine, and the two daughters positively stated that a communication of this kind had been made to Mr. Simpson and Mr. Roberts, and they were told witnesses must be called. All this must be true, or must be fabricated, and they must have come here deliberately to perjure themselves. Mr. Simpson and Mr. Roberts denied this, but it might be that they had a blank memory, forgetting that it had taken place. To show how things might be forgotten, the Lord Chief Justice, when first examined, did not recollect that the trial had lasted more than one day; therefore it was easily to be imagined that Mr. Simpson and Mr. Roberts might have forgotten the circumstances; but on the part of the other parties it would remain impressed on their memory to the end of their days. The difference in the position of the parties was extremely great. The fact of Mr. and Mrs. Woodfine meeting Mr. Collier on the Monday morning, and making arrangements with him to come to the court when sent for, would in a great measure go to confirm their statements. The Lord Chief Justice, with the authority of his position, had given an opinion, in which, had he been a more humble person, he ventured to imagine he would have been checked. He stated that he thought there never was a case in which attorneys could be held to be less responsible. He much doubted whether any counsel would be bold enough to take upon himself the hazardous responsibility of not calling witnesses when imperatively desired to do so by the client. But Mr. Roberts, having stated that he never heard Collier's name, or Mason's name, of course could not have communicated to counsel the desire of the client; therefore counsel could not have had that information upon which alone they could exercise a proper discretion. The evidence of Mr. and Mrs. Thompson yesterday, as to what Mrs. Thompson had stated to Mr. Roberts, was a confirmation of the evidence given upon the point by the other parties. He now came to a part of the case which he thought would strengthen the evidence of the Woodfines, because, if the defendants' case was correct, there was no ground for an application for a new trial. The trial terminated on the 7th of July, and on the following day these defendants sent a telegraphic communication to the plaintiff—"Come up immediately, counsel say we can get a new trial;" and they wrote that very day to the plaintiff a letter in which they mentioned the names of Collier, Mason, and Shaw, as persons who must speak to the value of the property. He said there was a mistake of law and neglect of duty, and failure to communicate to counsel the information which was absolutely requisite in the conduct of the cause. His friend had amused himself by reading Mr. Woodfine's letters to Miss Smith; but he (Sir Frederick) must say, that, according to his recollection of his younger days, the letters were as wise as he had ever read; they were, in fact,

according to his idea, rather too cold. It was said that Mr. Smith had made a statement of that which had been represented to him by Woodfine, and that that was a contract between them as to the amount of his property, and must conclude him for ever. Many men vapoured and boasted of their property. It was assumed that the damages must have been the same had witnesses been called; but what right had the defendants to speculate upon this? At all events, why had they not performed their duty by informing their counsel of the facts? If they had not done this they were guilty of the negligence imputed to them. He charged them with negligence in not inquiring as to the property of the plaintiff, with a mistake of the law, and with not having called witnesses after the desire of their client, and with not having given that information to counsel.

Mr. Justice WIGHTMAN then summed up. The charge made by the plaintiff was, that the defendants had conducted his defence in the prior action in an unskilful, careless, negligent, and improper manner, by reason whereof Miss Smith recovered a verdict against the now plaintiff for much larger damages than otherwise would have been given. It seemed that the plaintiff was unacquainted with the defendants up to the time of his applying to them. It was said, that, up to a comparatively late period of the case, the defendants were of opinion that Woodfine himself could be examined as a witness. Now, by law he could not, and, therefore, it was suggested, that, so far as the property was concerned, the defendants ought to have called, or instructed counsel to call, or told them the names of, certain witnesses, who could have shown that the property had been very much exaggerated by Mr. Smith. It seemed to him (the judge) that there was hardly any ground for charging negligence in not having discovered, down to a late period, that Woodfine could not be examined as a witness; but the mother was put down in the brief. But it was said that beyond that, the defendants ought to have entered into a statement of the property in detail for the information of counsel. It might be, that, in the first place, it was important in such an action to show the state and condition of the defendant in that action, but it could not be anticipated what evidence would be given on the part of the plaintiff. It seemed to him that down to the Saturday, at the end of the trial, there was nothing unusual in the conduct of those who managed the case. The evidence as to what had taken place on the Saturday afternoon and on the Monday morning was conflicting, and the jury must decide between the parties. But the learned counsel who had been in the case had been examined, and they had stated, that, in their opinion, it would have been very imprudent to call witnesses, and thereby to give a reply to the opposite counsel. The circumstances of the prior case had been introduced to show that there was nothing extraordinary in the jury giving the amount of £3,000. The learned judge then went through the whole of the case of the breach of promise of marriage, and of the evidence appertaining to it. The question for the jury was, whether the damages would have been less had the defendants conducted the case differently, and called witnesses, or had informed the counsel of the desire of the client that witnesses should be called.

The jury retired, and having been absent some time, they sent a note to the judge; upon which his Lordship conferred with the counsel on both sides, and the jury were sent for, and upon their coming into court, his Lordship told them, that, in consequence of their note, the parties had agreed to withdraw a juror.

Juror withdrawn.

VACATION BUSINESS AT JUDGES' CHAMBERS.

The following regulations for transacting the business at these chambers will be strictly observed till further notice:—

Acknowledgments of deeds will be taken at ten o'clock.

Original summonses to be placed on the file.

Summonses adjourned by the judge will be heard at half-past ten o'clock.

Summonses of the day will be called and numbered at a quarter before eleven o'clock, and heard consecutively.

The parties on two summonses only will be allowed to attend in the judge's room at the same time.

All long orders to be left, that they may be ready, on being applied for, the following day.

Counsel will be heard at a quarter to one o'clock. The name of the cause in which counsel are engaged to be put on the counsel file.

Affidavits in support of ex parte applications for judge's orders (except those for orders to hold to bail) to be left the day before the orders are to be applied for, except under special circumstances; such affidavits to be properly indorsed with the names of the parties, the nature of the application, and the names of the attorneys.

All affidavits produced before the judge to be properly indorsed and filed.

Queen's Bench Chambers, July 11.

INCORPORATED LAW SOCIETY.—At a meeting of the Council on Thursday last the following gentlemen were appointed Lecturers for the ensuing year:—

Mr. Richard Edward Turner..... Common Law.
Mr. Freeman Oliver Haynes..... Equity.
Mr. James P. Peachey ..... Conveyancing.

LAW AMENDMENT SOCIETY.—On Saturday evening the anniversary dinner of this society took place at Greenwich. The president of the society, Lord Brougham, took the chair; and there were also present the Marquis of Clanricarde, the Right Hon. W. Napier, M.P., Sir Erskine Perry, M.P., Colonel Sykes, M.P., Mr. Baron Bramwell, Mr. Dunlop, M.P., Mr. Collier, M.P., Mr. Craufurd, M.P., Chief Justice Draper (of Canada), the Vice-Principal of Brasenose College, &c. The usual loyal and patriotic toasts having been given, the noble president referred to the progress of the society during the past year, which he characterised as most satisfactory, not only with regard to the increased number of influential members that belonged to it, but also to the legal improvements it had effected. He paid a high compliment to the long-continued exertions of his learned friend Mr. Napier, towards the establishment of a regular department of justice, and noticed with true satisfaction the efforts which had been made by the East India Company to improve the constitution and working of their native courts—efforts from which he hoped and expected ere long to see great results. Mr. Napier had also done much towards establishing a system of compulsory examination for barristers, which he (Lord Brougham) was certainly in favour of as an almost necessary measure, and certainly one well calculated to raise the *status* of the profession. He sincerely hoped the benchers before long would give that question their most serious consideration. During the present session he expected that a great deal would be done in the way of legal improvement; and the measures for a reform in the law of marriage, and in the proceedings of the probate and ecclesiastical courts, were in a forward state, and stood a fair chance of being made law this year. A much-needed legal reform for simplifying the laws relating to the transfer of real property, he feared, would not be brought forward this year; and it was a disgrace to our code that the transference of an acre of land should still remain a process in which the greatest difficulties were encountered. He believed a Government Bill would shortly be brought in with a view of obviating those difficulties; but he (Lord Brougham) fancied he would have to do what he had done with regard to the Bill for the Improvement of the Patent Laws, when, after waiting some time for the Government measure, he was at last obliged to bring in a Bill on the subject himself, on the provisions of which two Bills respectively one very good Bill had ultimately been enacted. The next toast was, "the Bench of England," coupled with the name of Mr. Baron Bramwell, who had done so much to improve the common law procedure. In briefly returning thanks, the learned Baron said, he thought the lawyers of the present day were not of a philosophical turn of mind, and looked more to legal technicalities than to the general facts of the cases. The recent improvements in the common law procedure had been of the greatest benefit. Formerly a plaintiff, even in the recovery of a debt, had to go through eight different forms of procedure before he obtained judgment, and then, after all, he had to prove that he had proved his case in due and legal form. In conclusion, the learned Baron stated that he was very glad to hear that Sir Eardley Wilmot was about to publish the whole of the Bills and Acts which had been introduced to the House and become the law of the land through the exertions of their noble president. Lord Brougham added that he was very sorry to see, in the collection referred to, that there was an undue proportion of Bills compared with Acts; but he might also state, that he had requested the author to include in the volume the unsuccessful proposals of Sir Samuel Romilly to amend the laws, which were thought to be quite chimerical at the time when he brought them forward, but which since then had become the law of the land. The healths of "Chief Justice Draper and the Colonial Bench," "the Marquis of Clanricarde and the House of Lords," "Mr. Collier and the House of Commons," and other toasts

followed, and the proceedings were brought to a close at an early hour.—*Daily News.*

JURIDICAL SOCIETY.—The next meeting will be held on July 13th, at 8 o'clock, when Mr. T. E. C. Leslie will read a Paper on "Statistics of the Bar, with Observations on the Competition in the Profession."

ABOLITION OF GRAND JURIES.—Mr. Justice Willes, in his address to the grand jury at Hertford, July 9, took occasion to make some observations in reference to the Bill at present before Parliament for the abolition of that body within the metropolitan district. He said it was his opinion that grand juries were most useful, and he hoped they would not be abolished. He was induced to make this observation from the fact of there being now before Parliament a Bill for rendering the summoning of grand juries unnecessary within the jurisdiction of the Central Criminal Court. He, however, looked upon the grand jury as one of the best preservatives of liberty in troublous times, as standing between the Crown and the subject, and protecting the latter from persecution under colour of law; and it was not because we now lived in peaceful times that the necessity of grand juries might not again become apparent. He also could not help thinking that grand juries were of great use in directing the operations of the law in cases that came before the court, and that they were of the highest importance, as a body of gentlemen standing to see justice done to the prisoner on the one hand, while on the other they were of the greatest support to the judge in case an unfair attack was made upon him.

COURTS OF LAW COMMISSION.—The Royal Commissioners appointed to enquire and examine into the constitution of the Superior Courts of Law at Westminster, and into the existing arrangements of the Circuit Courts, have agreed to their report, which will be printed and ready to be submitted to Parliament before the close of the session. It is understood that the Commissioners will express their opinion, founded upon the evidence before them and their own experience, that no diminution of the number of judges can take place. Indeed, at this very time the several courts can scarcely make up a full court or get through the *Nisi Prius* sittings in time for the circuits. Several changes in the times and manner of holding the assizes will be recommended, as well as the division of the larger counties, and a more equal distribution of the circuits, with other matters of detail of a practical nature, so as to ensure a more speedy and uniform administration of justice, both civil and criminal.—*Observer.*

QUEEN'S COUNSEL.—Mr. Forsyth, Mr. Monck, and Mr. Manisty, all of the Northern Circuit, have been promoted to the rank of Queen's Counsel.

DUCHY OF LANCASTER.—Henry Bliss, Esq., Q.C., the senior Queen's counsel attending the assizes at Lancaster and Liverpool, has been appointed Attorney-General of the County Palatine of Lancaster, in the place of C. J. Knowles, Esq., Q.C., resigned.

Recent Decisions in Chancery.

PRACTICE—ORAL EVIDENCE ON MOTION FOR DECREE.

Pellatt v. *Nichols*, 5 W. R. 724.

Some inconvenience is often felt from, what has been supposed to be, the necessity of proceeding by affidavit evidence on a motion for decree. If a party wants to obtain the testimony of an unwilling witness, this can only be done by serving him with a subpœna to appear before the examiner. The Orders by which the practice on motions for decree is regulated were evidently framed on the assumption that affidavits would be the only evidence employed. They direct the plaintiff to annex to his notice a list of his affidavits. They require the defendant to file his affidavits within a fortnight, and allow one week more for the plaintiff's affidavits in reply. These regulations are followed by an express prohibition, in the ordinary course, of any further evidence. It was not easy to see how these rules could be accommodated to a case in which oral evidence was to be given. The limitations as to time would certainly become impossible, and it would besides require a very liberal reading of the Orders to understand the word affidavits as including depositions of witnesses who may not have been examined at the time when the list of affidavits is required to be furnished. On the other hand, the Chancery Improvement Act contains an express enactment that a subpœna may be obtained in any proceeding; and this was some time since held (in the case of *Wigan* v. *Rowland*, 10 Hare, Ap. 18) to extend to a motion for decree. That case, however, throws no light on the mode by which the requirements of the Orders are to be got over when oral evidence is used. The inclination of the judges, as a general rule, to allow the parties the option, in all cases, of proceeding either by *viva voce* examination, or by affidavit, as may be most convenient, was strongly manifested by the Orders of January, 1855, which give perfect freedom in this respect when a cause comes to the hearing in the ordinary way. These Orders, however, do not refer in terms to a motion for decree, nor do they provide any substitute for the regulations originally framed which are incapable of being literally followed when witnesses are examined orally. This difficulty arose in the case of *Pellatt* v. *Nichols*, on the suggestion of the Court that a motion for injunction should, by consent, be turned into a motion for decree. The plaintiffs objected, on the ground that they would then be precluded from obtaining the evidence of the defendant, whom they wished to examine; but the Master of the Rolls expressed a strong opinion that this was not an insurmountable difficulty, and that the Orders might be sufficiently complied with by serving a list of witnesses intended to be called, together with the list of affidavits. The ultimate arrangement was, that an order to this effect was made by consent, with liberty to apply, it being understood that a reasonable time for the examination of witnesses was to be allowed under the dispensing power reserved by the orders, which fix the short limits of a fortnight and a week respectively. The intimation of the Master of the Rolls seems to amount to a dictum that a similar course may be pursued by a plaintiff in an ordinary case without the authority of any preliminary order; but it may perhaps be found difficult to work out this idea in practice; and it must be remembered that *Pellatt* v. *Nichols*, though strongly pointing in that direction, was a decree by consent, and is, therefore, not to be regarded as an actual decision on the question.

AGREEMENTS BY PROMOTERS OF A PUBLIC COMPANY—HOW FAR BINDING ON THE COMPANY.

Williams v. *St. George's Harbour Railway Co.* 5 W. R. 725.

In the early days of railway decisions, Lord *Cottenham* laid down and acted on a maxim, that the agreements entered into by the promoters of a Bill for the incorporation of an inchoate company were binding on the company when formed, provided that the stipulations were not beyond the powers given to the company by their Act. Where the contract made during the incubation of the company was such as the company itself might afterwards have made, Lord *Cottenham's* view was, that, even if the contract did not become the actual contract of the company in the view which a court of law would take, still it was inequitable for the corporation to repudiate it, and equity would not suffer it to take this course. In *Edwards* v. *Grand Junction Railway Company* (1 My. & Cr. 650) an injunction was granted to prevent the company from making a road in a manner inconsistent with a preliminary agreement by the promoters. In *Stanley* v. *Chester and Birkenhead Railway Company* (3 My. & Cr. 778), a demurrer to a bill seeking specific performance of a contract by promoters to pay £20,000 for certain land was overruled by the same judge. And these cases were followed by *Lord Petre* v. *Eastern Counties Railway Company* (1 Railway Cases, 462), where an injunction was granted on a bill for specific performance of a contract by the projectors to pay the enormous sum of £120,000 nominally as compensation for the damage threatened to Lord Petre's park. These cases were substantially overruled by the House of Lords in the recent case of *Caledonian Railway Company* v. *Helensburgh Harbour Trustees* (4 W. R. 671), where the rule was distinctly asserted by Lord *Cranworth*, with the assent of Lord *Brougham*, to be, that the contracts of projectors do not bind the company when formed, unless the terms are embodied in the Act of Incorporation, so as to give notice to all persons who may take shares in the company. As the law now stands, therefore, it is necessary, in order to bind the company, to show that they have adopted the contract, either by an express agreement under the corporate seal, or at least by taking the benefit of it, and so estopping themselves from refusing to perform it. This doctrine had, indeed, been propounded by the Master of the Rolls in *Gooday* v. *Colchester Railway Company* (17 Beav. 132), before the decision in the House of Lords, and must now be considered as settled law. The question which remains is, what acts, if any, short of affixing the seal of the company to the contract, will amount to such an adoption. In the case which we have placed at the head of this notice, the fact that the company afterwards submitted to pay part of the

sum stipulated for in their promoter's agreement, so as to relieve him from personal liability to that extent, was held not to amount to an adoption binding the company to the whole contract.

SETTLED ESTATES ACT.

Re Foster's Estate, 5 W. R. 726.

The Lords Justices have settled the controversy as to the time of taking the consent of married women under this Act. It is to be after the presentation, and before the hearing of the petition; and it was also intimated that it ought properly to be before the expense of advertisements is incurred, though this is not essential as a compliance with the statute.

Cases at Common Law specially Interesting to Attorneys.

COMMON LAW PROCEDURE ACT, 1854—INTERROGATORIES—PRACTICE AS TO.

Moor v. *Roberts*, 5 W. R., C. P., 693.

This was a case in which the nature of the interrogatories which will be allowed under the Common Law Procedure Act, 1854, was again discussed. The provisions of that Act upon this subject, in reference to the particular point raised by the above case, have previously come under the consideration of the Court of Exchequer in *Flitcroft* v. *Fletcher* (11 Exch. 543), and of the Queen's Bench in *Edwards* v. *Wakefield* (6 Ell. & Bl. 462).* The point in question was, to what extent questions of a *fishing* character will be authorised—those, namely, the object of which is to enable the party applying to interrogate to find out the position of the opposite party. In the present case, the action was brought against the defendants upon their engagement to see to the repayment of the full sum lent to a certain mortgagor, in the event of the premises mortgaged, on being sold under the power for that purpose contained in the mortgage, proving to be insufficient; and the defendants desired to put certain questions (among others) to the plaintiff, as to whether he was in truth the lender of the money advanced, or a trustee only for another person; as to whether the guarantee on which the defendants were sued was not merely temporary, and not in force when the action was brought; and as to whether the premises mortgaged had, in fact, been sold, so as to disclose any insufficiency—such questions being, in effect, pointed to in the several allegations of the declaration, all of which were traversed by the defendants in their pleas. A rule was obtained to set aside the order of Mr. Justice *Crowder*, who had disallowed these interrogatories; but it was now discharged with costs, after argument. "For," said *Cockburn*, C. J., "the intention of the Act was to supersede the necessity of applying to a court of equity in order to obtain a discovery"—that is, to enable a court of *law* to assist a party, the materials of whose case are in the hands of his adversary. "But it was not intended to apply to a case where a party is desirous of discovering how the other party intends to shape his case, or to find out some defect in it."

It is to be observed, that the Court of Exchequer, in *Flitcroft* v. *Fletcher*, came to a decision which seems inconsistent with the criterion adopted by the other two courts. For it was held, in that case, that a defendant in an action of ejectment is entitled to interrogate the plaintiff as to the character in which he sues, and the nature of the pedigree on which he relies. But that case was not much argued, and the Court appears to have been influenced by what they considered to be the doctrine of the Court of Chancery as to discovery, rather than the construction of the Common Law Procedure Act, 1854.

JOINT-STOCK COMPANY UNDER 7 & 8 VICT. C. 110—ACTION ON CONTRACT SIGNED BY DIRECTORS.

Charles v. *The National Guardian Assurance Society*, 5 W. R., Q. B., 694.

The defendants in this case were a joint-stock insurance company registered under 7 & 8 Vict. c. 110; and a policy effected with them by the plaintiff on the life of a debtor having become a claim, the company first tried to establish a fraudulent misrepresentation by the plaintiff as to the life assured, and that he had not a proper interest therein (as to both of which they failed at the trial), and then tried to upset the verdict he had obtained on the ground of the policy being void, because—though signed by three directors, and though the premiums thereon had been regularly paid and accepted—it did not bear the seal of the company. It was, however, held by the Court, on the authority of *Smith* v. *The Hull Glass Company* (8 C. B. 668), that, in a company established under the statute in question, the directors may bind the shareholders in matters relating to the business carried on by the company *unless* their deed of settlement restrains them from so doing; and that, in an action brought against the company on a contract so entered into by the directors on its behalf, it lies on the defendants to show that the deed of settlement does in fact contain such restrictive clause; and that it is not incumbent on the plaintiffs to show that it did not. In the present case, therefore, inasmuch as the deed of settlement had not been produced at the trial by either side, the plaintiffs (who had made out a *primâ facie* case) were entitled to retain their verdict.

It may be observed that it results from the case of *Ridley* v. *Plymouth Grinding Company* (2 Exch. 711), which was much relied on by the defendants, that, if the contract sued on be one *unconnected* with the business of the company, then (though the company may still be bound by the acts of the directors not under seal) it is essential for the *plaintiff* to prove in some way that the directors were authorised to bind the shareholders. In other words, where the contract sued on was in the course of business, the law throws the burthen of proof on the defendants; where it was not in such course, then it lies on the plaintiffs.

NEW TRIAL ON THE GROUND OF EXCESSIVE DAMAGES AND SURPRISE.

Smith v. *Woodfine*, 1 C. B., N. S., 660.

In this case, tried before *Willes*, J., the defendant was sued for breach of a promise of marriage, and the jury returned a verdict for the plaintiff with £3,000 damages. A rule *nisi* for a new trial was obtained on the ground of *quasi* surprise and excessive damages. And the motion was founded principally on the affidavit of the defendant, who swore that the statements made at the trial as to the amount of his property by the plaintiff's father were quite erroneous, and that he was taken by surprise at them. In showing cause against the rule, it was urged that the Court would not interfere with the amount of damages given by the jury in such cases as these, unless it was shown that they had been misled by false evidence, or had acted under the influence of undue motives, or from misconception or mistake (see *Gough* v. *Farr*, 1 Y. & J. 477); and that the affidavit mainly relied on to establish this was that of the defendant himself, which was not admissible, inasmuch as, by the effect of 14 & 15 Vict. c. 99, s. 4, he could not be called as a witness in his own defence. The Court discharged the rule chiefly because there was no ground for saying the defendant had been *surprised* by the evidence as to his circumstances which had been given by the plaintiff's father; for it was his own fault that the facts before the jury remained unanswered. His mother was in court, and she might have been called to explain the real state of the case. Mr. Justice *Willes*, in his judgment, after carefully going through the cases turning upon the question before the Court, added, "The amount of damages, it is true, is large; and I have remarked, that considerably larger damages are usually given by special juries of the city of London in these cases than are given by those of any other place. It may be because they are accustomed to deal in large amounts themselves, and so are led to estimate wounded feelings higher than other juries do."

It will be observed that the defendant in this case, being defeated in the above application, resolved to bring an action against his attorneys for negligence in not calling witnesses to rebut the evidence of the plaintiff's father. The result of his manœuvre will be found in the report of the case of *Woodfine* v. *Simpson & Others*, which we have noticed elsewhere.

* See a notice of this case, *supra*, p. 382.

Correspondence.

DUBLIN.—(*From our own Correspondent.*)

INFLUENCE OF POLITICS ON LAW—THE ONLY REMEDY.

The fact is so well known as hardly to require statement, that in Ireland most legal appointments, as well as others, proceed from political motives, and take place for political objects; and this so commonly occurs, that, when in some rare instances other than political considerations prevail, no credit is given in the public mind for the deviation from what has unfortunately become a recognised practice. An illustration of our meaning is found in the circumstances attending the recent appointment of a revising barrister for Dublin, as to which a good deal of angry discussion has taken place, and which is not so clearly explained as the importance of the subject demands. What occurred was simply this:—The revising barristers, who have for

some years performed the duty of revising the lists of voters, were some days since suddenly and unceremoniously superseded, and a gentleman of opposite political views was forthwith substituted for them. The "opposition" journals immediately criticised this unexpected change—declared that it was illegal—maintained the right of the ejected functionaries to hold office during their good behaviour, and boldly denounced this step as an attempt to turn the minority at the last parliamentary election into a majority at the next, under the willing manipulation of the lists of voters by a nominee of the Government. This is, however, but one side of the case: the other side presents a very different aspect. It is replied, that, under an old Act of Parliament, the revising barristers sit merely as deputies of the chairman of the county; and that, on the death of the late chairman, his deputies, the aforesaid barristers, became *functi officio*, and a new appointment by the present chairman was a matter of course. Now, inasmuch as by subsequent statutes the revising barristers have been recognised as distinct officers, rather than as mere deputies of a higher officer, the legality, as well as the propriety, of the recent change seems to be open to doubt; and it must be admitted, that, where a reasonable doubt existed as to the validity of the dismissal of individuals undeniably competent for the duty, the proceeding in question was a harsh and unjustifiable one. To take the lowest ground, everything in the nature of a judicial appointment should be free from all suspicion of improper motives; and the time chosen in this instance was one which could not fail, in the present state of party feeling, to create dissatisfaction in the minds of one-half of the legal and general public of Ireland.

But to proceed from a particular case to general considerations. Every person conversant with the state of affairs here knows, that, in the majority of instances, professional rank is given as the reward of political services, and not as a tribute to professional merit. Several of the judges had, previous to their elevation to the Bench, earned little reputation beyond that of good debaters in Parliament; while, on the other hand, some of the most eminent lawyers are working at the bar, without any prospect of promotion—for, being non-political, they have excluded themselves from the only avenue to the judicial bench. The natural consequence of this state of things is, that the grand object of ambition with a rising lawyer is to obtain a seat in Parliament as soon as possible. That, he knows, leads more surely to the great prizes of his profession, than does any conceivable amount of legal ability, or any extent of practice. The public astonishment was great when the present Solicitor-General (Christian)—long the first equity lawyer in Ireland, but no politician—received promotion; and for making so worthy an appointment great credit ought to be given where it is due; but this rare exception does but prove the existence of the rule we deprecate. Not to the Bench and the chief law offices is this reprehensible practice confined; it extends to nearly all the subordinate ranks in the profession. Crown prosecutorships, Crown solicitorships, and similar offices, are, in very many instances, disposed of with political views, and to partisans of the governing powers for the time being. How far this unwholesome practice is connected with the existence of the Vice-Regal Institution, we will not now stop to inquire; suffice it to say that the number of those is daily increasing who believe in no available remedy but one—the abolition of a "court," where the contending factions alternately reign supreme, and where, consequently, every act of the Government is open to the suspicion of being performed for some partisan object.

Since the above was written, the question so important to Ireland—how long this mode of Government is to continue—has been considered in the House of Commons; and a considerable majority has declared against any change for the present. We cannot, however, accept the result of the division on Mr. Roebuck's motion of yesterday as a well-considered or a final adjudication. At this advanced period of the parliamentary session, it could not be expected that to such a subject any adequate degree of consideration could be given; nor is it one which should be left to a private member of the Legislature. The Government are bound to give their earnest attention to the wide difference between the judicial and administrative systems of Ireland and England, and to trace the causes of the difference. We have little doubt that those causes will be found to be connected with the want of a responsible central government for the whole of the British isles. The opposition that would be offered here to any plan for centralising the government is considerably less than it would have been even a few years since. That opposition would now proceed less from any objection to the plan on its merits than from a vague fear lest the centralising system should also be made to extend to the courts of law and equity. The real fact, however, is, that the tendency of the present age is to localise justice while it centralises government; witness the county courts, and their superadded jurisdiction in insolvency, and in charitable trusts. Many other instances might be adduced to prove that the centralisation of courts of justice was never less likely to be proposed or effected than at the present day. But while sound policy dictates that justice should be readily attainable in every part of the empire, it dictates not less clearly that the whole empire should (unless, indeed, physical obstacles prevent) be under one firm and consistent central administration; for such only can be free from the pernicious influence of sects and parties, and yet amenable to the beneficial action of public opinion.

EDINBURGH.—(*From our own Correspondent.*)

The absorbing interest felt by every one in the melancholy trial which has occupied the Court for so many days recently, has left no room for the discussion of any other subject of legal interest; and, accordingly, the last fortnight presents, in this respect, a total blank. But it would be unfortunate if such a case as Miss Smith's, which, from the whole of the circumstances surrounding it, must have been subjected to the most minute scrutiny of nearly every English lawyer, should not provoke much criticism upon the practice of Scotch criminal lawyers, especially with reference to their application of the rules of evidence. Upon this point there are differences in the laws of the two countries—and a discussion of the principles upon which these rules are based, when the views of parties can be illustrated by a reference to facts perfectly well known to all, would excite a public, as well as a mere legal, interest. But, to be useful, such a discussion must be conducted upon proper principles, and THE SOLICITORS' JOURNAL must possess capabilities for eliciting information on a subject so important, which no mere newspaper can have. No doubt we may expect to find the daily journals flooded with letters directed to particular points which may strike the writers as defective—and even barbarous—in the conduct of this case. But lawyers are proverbially jealous—and it is well that they are so—of all one-sided statements; and the consequence is, that all such communications, though they may really raise points of great interest, produce absolutely no effect. If, however, some English lawyer would undertake to furnish a criticism on the whole case, and an arrangement were made with some Scotch lawyer to answer it, the communications would be read with very different interest, and would call forth observations from other lawyers in both countries, which would enlarge the discussion, and if they did not produce any change of opinion, would, at all events, lead to a more accurate knowledge of the principles of criminal law and evidence as applied in the two countries, than exists at present. There can be no doubt that there are many men whose opinions would be valuable, who would gladly put their views upon such a case as Miss Smith's in writing for the purpose of eliciting information, but who are deterred by the knowledge that it is useless labour to write even to the *Times*.

The time has not yet come for making any remarks upon the evidence or the conduct of the prosecution on the part of the Crown in Miss Smith's case, but there can be no impropriety in making an observation which is applicable to the whole system of criminal prosecution in Scotland, and which has received strong confirmation in the course of that unhappy trial—viz. that a system which vests so much authority in the law officers of the Crown, and is worked out so little in the face of the public till the actual day of trial arrives, as that of Scotland, requires the most anxious supervision on the part of those officers who are responsible to Parliament. There seems to be a natural tendency on the part of all inferior officers of the law to exceed their powers, and to use unfair means to obtain convictions. That this state of matters exists in Scotland cannot be denied: and, without referring to Miss Smith's case, a case which occurred in the High Court of Justiciary a short time ago—viz. that of Mahler and Erenhard—may be mentioned in support of this statement. In this case, which was one of robbery of watches and jewellery, it appears that a dealer of the name of Prince was a creditor of the man from whom the watches and other articles of jewellery had been stolen, and was therefore anxious to recover the property; that, upon the apprehension of Mahler and Erenhard for the robbery, and before the judicial declarations of the prisoners were taken, he went with a deputy-lieutenant of police to the prison, and, in his presence, offered Mahler a free pardon and thirty pounds, on condition of the stolen goods being recovered, if he would make a confession.

He accordingly did so, and afterwards made a judicial declaration in similar terms. At the trial, the Advocate-Depute, who is the prosecutor, in the name of the Lord Advocate, sought to use both the confession and the declaration. These were objected to. The Advocate-Depute replied that neither Prince nor the deputy-lieutenant of police were authorised to act as they had done; that such an act was not within the authority of the deputy-lieutenant of police; and that the prosecutor could not be precluded from using the evidence either of Prince or Mahler, who, so far as he was concerned, were in every sense third parties. An attempt was made, on the part of the defence, to show that the deputy-lieutenant of police was also authorised to act as Deputy-Procurator Fiscal, which would have connected him directly with the prosecutor, the Lord Advocate, as all the Advocates-Depute and Procurators Fiscal act directly under his authority; but this failed. The Court, however, held that the deputy-lieutenant of police, as such, was in such a position as to lead Mahler to suppose that Prince was acting with the sanction of proper legal authority, and that the confession could not be received. They further held, that the judicial declaration might have been given under the influence of the confession, and could not be read either. The question was started, but not decided, whether a confession made in presence of a constable would be equally vitiated in similar circumstances. This was also a Glasgow case, and sufficiently shows that there is much looseness of practice among the criminal officials.

The Lord Advocate's Bill for the regulation of the Court of Session business has been received, and has given rise to great difference of opinion. The writers to the signet as a body seem to be quite resolved to oppose, as far as they can, any change which will deprive litigants of the power of selecting their court. There are a good many dissentients, however, who think that the business should be equally distributed between the two divisions of the Court. This dissent is indicative of a gradual change of opinion; for the feeling in favour of preserving the right of election was unanimous a few years ago, and even yet the dissenters cannot be said to number more than one to four. The bar, almost without exception, supports the Lord Advocate; and the opinions of the other branches of the profession, however expressed, are not therefore likely to carry much weight. By the Bill, it is proposed to give the Lord Justice General the power of distributing the business, when it may be found accumulating in any division; but although the Act makes some provision for the proper exercise of this power, it is a very general opinion that the head of the Court will be called on to exercise what he may sometimes feel to be a very invidious and disagreeable duty. Many think that the business should be distributed in the Signet Office by rotation—that is, in the exact order in which the summonses, which are always the first writs in an action, are presented, for the purpose of being impressed with the signet. A similar arrangement might be made in reference to those processes which originate in petitions, to have them marked by the clerk to whom they are presented; or the whole might be marked in the Fee Fund Office.

Parliamentary Proceedings.

HOUSE OF LORDS.

Friday, July 3.

Transfer of Real Property.

Lord Brougham called attention to the ruinous expense imposed by the law on the transfer of real property, and said that nothing could be worse than the present state of the law on this subject. Land, instead of being as easily transferable as bank-stock, was, owing to the principle and practice of our law, the most difficult article of transfer. He therefore rejoiced to hear that the Commission had recommended the introduction of two most important measures on this subject, and he should be glad to learn that these measures were in a state of forwardness.

The Lord Chancellor said he had prepared a measure which he believed would be found in harmony with the recommendations of the Commissioners, and that Bill he hoped soon to be able to lay upon the table. This Bill proposed to substitute a more simple form for the present complicated system of mortgages and judgments, and to allow a declaration to be made of any charge given to any person upon any particular property, and instead of there being contained in the same instrument powers of sale, of appointing receivers, &c., as at present, he proposed that a mere charge upon land should contain all the provisions which were now to be found in mortgage deeds. He also proposed that the Court of Common Pleas should establish a register of mortgages, so that any one about to purchase or lend money upon land might ascertain exactly the charges which were upon it. He feared that the varied nature of our settlements, and the various uses to which land was applied in this country, rendered it chimerical to expect that the transfer of land could ever be made as easy as the transfer of bank-stock, but he thought, nevertheless, that great improvement might be effected, and, during the ensuing recess, the subject should receive his fullest attention.

Lord Campbell had hoped that he might have gone down to posterity as the author of a General Registration Act, but that honour was denied him. He rejoiced to find, however, that the subject was again taken up, and he should certainly give it his most earnest support.

Thursday, July 9.

Conveyance of Real Estates.

Lord Brougham introduced a Bill, the object of which, he said, was to amend the law relating to the conveyance of real estates, and to establish a convenient registration in the case of such conveyances. The Bill, he added, would provide an easy and expeditious mode of transfer of lands, instead of the difficult and expensive system which now prevailed.

The Bill was read a first time.

HOUSE OF COMMONS.

Monday, July 6.

Probate and Letters of Administration Bill.

The House went into Committee on the Bill.

Upon clause 2, Mr. Collier moved certain amendments, the effect of which would be to give all the contentious business to the superior courts of common law. The business of the ecclesiastical courts was of two kinds—the common form and the contentious. The common form business consisted of proof of wills with respect to which there was no dispute, and might more properly be disposed of by a registrar than by a judge. The contentious business included all the cases in which wills were disputed. This Bill did not give the determination of those questions to the new court, but provided that the new court should send them to the superior courts of common law. To the question, what, then, would the new judge have to do, the Lord Chancellor had supplied the answer, next to nothing. He proposed that the whole of the contentious business should be transferred to the courts of common law, and that the non-contentious business should be done by a registrar under the direction of those courts. He would give the courts of common law powers to make orders, to frame issues, to cite parties, and to make persons parties to an issue, so that all questions in dispute might be settled. There seemed to him to be only two objections—that the superior courts of common law had not time to exercise this jurisdiction, and that they were not competent to do it. As to the first, the county courts had greatly relieved the common law courts of business; and, owing to the Common Law Procedure Act, the number of rules granted by the superior courts in the course of a year, from being upwards of 30,000 had become less than 3,000. Under these circumstances, it seemed difficult to contend that the courts of common law had not time to do the business which he proposed to transfer to them. The next question was, were they competent to it? Several of the common law judges had from time to time been members of the Judicial Committee of Privy Council, which sat as a court of appeal from the ecclesiastical courts, and he had never heard it alleged that those judges were incompetent to perform that portion of their duties. It seemed to him that there were only two alternatives before the committee. They must either have no new court at all, or have an efficient one. The Bill proposed to establish an inefficient court. He would therefore submit his amendment transferring the business to the courts of common law; and if not successful in effecting that object, he would then endeavour to make the new court as efficient as possible.

Mr. Atherton hoped that Mr. Collier would not proceed with his amendments; and thought that he underrated the amount of business which would be transacted by the new tribunal. An additional amount of business might be thrown upon the new judge by intrusting to him the duty of hearing and disposing of motions for new trials. The Bill was not the best that could be desired, but it was a great improvement upon the existing law, and as such he would give it his support.

Sir F. Kelly said, that that part of the Bill which would

give to the proposed court jurisdiction over real as well as personal estate with regard to the proving of wills was a great improvement, and would go far to remedy the grievance of which Mr. Collier had complained, because it would certainly prevent the judge from having scarcely any business to transact. If the judge of the new court were competent—and no doubt he would be—there was no reason why he should be a mere minister in the office held by him, and should send issues to be tried by other courts; he ought to be enabled to try cases in the same way as other judges in Westminster-hall. The result would then be, that, while the common form business was left in other hands, the contentious business, with the exception of that portion of it intrusted to the county courts, would be tried by the new tribunal in London, which would decide on all questions of law and of fact, with the aid of other judges who might be called upon to render assistance. With the single exception of issues to be tried at the assizes, which he would have the same right to direct as the Vice-Chancellors, the new judge would have jurisdiction to determine all causes relating to wills in his own court. It had been observed that the new tribunal would have too little to do until the Admiralty was united with the testamentary jurisdiction. He had already suggested—and he doubted not that the suggestion would be adopted by the Government—the introduction of a clause enabling the judge of this court, in case her Majesty required his services, to sit as a member of the Judicial Committee of the Privy Council. If, therefore, it should happen—though he apprehended no such thing—that at certain periods of the year the judge should have too little to do, he would then be enabled to render assistance in the administration of justice upon the Judicial Committee, which sat, he believed, for some fifty or sixty days in the year, and would then have ample occupation.

Mr. MALINS opposed the amendment. He reminded the committee that the Chancery Commissioners stated in their report that the probate of wills and granting administration were not mere subjects of registration—that they often involved delicate points, the neglect of which would be very prejudicial to the public interest; and they refused to recommend the transfer of this business to the Court of Chancery or to any court generally occupied by other matters, believing that it should be transacted by no court in which testamentary jurisdiction was not the primary occupation of the judge. They were further of opinion that the machinery of the courts of common law was not adapted to the transaction of the testamentary business. Sir F. Kelly had suggested that there would be a great increase of business in consequence of the court having jurisdiction over wills of real estate, which the Court of Probate had not hitherto had to deal with. In an experience of twenty years, he did not remember more than five instances in which a will affected the real estate only. One will usually disposed of both personal and real property, and then it was necessary to be proved. The additional business brought to the court, therefore, in consequence of giving it jurisdiction over real estate, would not be appreciable. There seemed to be an idea that the new judge would not be fully occupied; but when it was considered that he would have to preside over the whole of the testamentary business of the country, he thought his time would be sufficiently occupied. He did not anticipate that any additional expense would arise from the appointment of a new judge, inasmuch as the present judge of the Prerogative Court would be the first judge of the new court.

Mr. BOWYER entirely approved of the amendment. Its principle was to get rid of a most unscientific distinction of jurisdiction. There was no reason why they should have a separate court for wills any more than for leases or for mortgages. If a will was not disputed, why should it not be treated as a deed that was not disputed? At present, if a real estate of £10,000 a year was left to him, he took possession of it at once; but if he got a legacy of £10, he could not get it without obtaining probate from the Ecclesiastical Court.

Mr. WHITESIDE would wish to know from the Attorney-General why, if a man in the North of England was to be allowed to prove a will of £1,500 on the spot in a cheap way, he should not do the same if it was for £15,000?

Mr. AYRTON believed the Bill was founded on the soundest principle of law reform, that the entire business of wills and letters of administration should be intrusted to a single judge, who would discharge the whole duty.

Mr. DUNLOP said, a system similar to that recommended by Mr. Collier had been in use for the last thirty years in Scotland, and it had been found to work admirably.

The ATTORNEY-GENERAL said that the Wills Act was not in force in Scotland. In that country any document, of the most informal kind, would at once be admitted; so that there was not that amount of care required in dealing with wills as in England. A vast proportion of the 25,000 wills which were annually proved needed the personal inspection of the judge to satisfy him that the requirements of the Statute of Wills had been complied with. Now, that was a very onerous duty; for if the wrong document was admitted to probate, and the wrong executor converted to his own use stock standing in the public funds, or in a public company, in the name of the deceased, the executor appointed by the will which ought to have been admitted to probate in the first instance, might go to the Bank, or to the public company, and insist on the money being paid a second time. The duty of granting probates could not be confided, with any chance of its being duly performed, except to a person of practical experience and skill. If they threw the work upon the common law judges, they could only take it at chambers, and the result would be the most conflicting and distracting discrepancies in practice. Besides, he had just received a communication from the Lord Chief Justice, stating that it was utterly impossible for them to undertake either the common form or the contentious business. In a few days the report of the Commissioners who had been appointed to inquire into the constitution of the common law courts would be published, and it would be found to contain a statement to the same effect. He would remind hon. members, too, that it was intended for the judge of the Probate Court to be likewise the judge ordinary of the court which would have to deal with marriage and divorce; and he entirely agreed that this judge should have power to try issues himself when that could be conveniently done. So far, then, from having nothing to do, his apprehension was rather that the judge would not find his time adequate to the discharge of his duties, and that he would not be able to try any considerable number of issues. Still, whenever it could be conveniently done, it would be open for him to take cases instead of sending them before the ordinary common law tribunals.

Mr. COLLIER said, that, after this statement, he would not press his amendments; which were accordingly withdrawn, and the clause was agreed to.

On clause 5, the ATTORNEY-GENERAL proposed to strike out the proviso contained in the last three lines, because that would seem to make it imperative on the judge of the Prerogative Court to be the first judge of the Court of Probate.

Sir F. KELLY concurred in this amendment; and the proviso was struck out.

On clause 6, Mr. ADAMS, instead of uniting the Admiralty Court with the Court of Probate, thought it would be far better to send Admiralty cases before the common law courts, with juries of nautical men, than that the Judge of the Probate Court should, as the Attorney-General had remarked, be overworked, and not have time to try the issues that might arise. He objected to the limitation of the provincial probates to cases where the property did not exceed £1,500.

The ATTORNEY-GENERAL had satisfied himself that there were reasons why it would be better that Admiralty cases should be confided to a single judge. The clause before the committee simply provided for a future contingency, upon which a Bill would have, at some future period, to be brought in.

Sir F. KELLY approved of the clause. No doubt many questions came before the common law courts which came before the Court of Admiralty also; but the latter court had a jurisdiction *in rem* which the former did not possess. This jurisdiction was of the utmost utility where one of the parties, as frequently happened in collision cases, was a foreigner, residing out of the jurisdiction of the ordinary courts. He trusted, therefore, that this jurisdiction in Admiralty cases would be carefully preserved.

The clause was then agreed to.

Upon clause 10, Sir E. PERRY moved to leave out all after "established," and insert "District courts to be presided over by the county court judge in all county court districts except those of the metropolis (Nos. 40, 41, 42, 43, 44, 45, 47, and 48), and a public registry shall be attached to each court, the registrar whereof shall be under the control of the Court of Probate." His object was to associate the registrar with the judge of the county court. In Devonshire, probate could be obtained at ten different places; under the Bill, there would be but two places where that facility would be afforded. Now, the effect of his amendment would be to attach an ecclesiastical registrar to each county court. This proposal would lead to the appointment of fifty-one registrars instead of forty-one. There

would accrue from such a proposition a benefit to the public, inasmuch as at a future time the registrarships could be held by the county court registrars.

Mr. Atherton supported the amendment, considering it to be most desirable, that, in small properties, the greatest possible facilities should be placed in the way of those having to administer estates.

Mr. Collier thought it was contrary to principle that the contentious jurisdiction should be marshalled according to the county court districts, while the non-contentious jurisdiction was to be dealt with by the diocesan districts. The diocesan divisions were antiquated and inconvenient, while those of the county courts had recently been settled by a commission which had carefully inquired into the whole matter, and were therefore most likely to meet the requirements and the state of population at the present day.

The Attorney-General was sorry that he could not listen to Sir E. Perry's amendment. The honourable member talked of convenience. People in the rural districts would find it most to their convenience to go to those places to which they had been in the habit of going in order to prove wills. Accordingly, the districts had been so arranged as to preserve the office of the registrar wherever it now existed, and by that means he hoped not only to keep the business in the channels in which it had hitherto been accustomed to flow, but to prevent the necessity of awarding compensation in a large number of cases which would otherwise have to be submitted to the consideration of the House. The hon. member proposed to undo all existing arrangements, and then to impose upon people the necessity of travelling about after the county court judge—for that functionary visited different towns in succession—in order to transact the common-form business of proving a will. And the person to transact that common-form business was to be a registrar of that county court. The Bill proposed to place experienced gentlemen in the position of registrars, and to give them the means of communication with the judge of the Court of Probate in London, and thus it was hoped that due security would be taken for the proper fulfilment of the important duties intrusted to them.

The amendment was withdrawn, and the clause then agreed to.

On clause 15, Mr. Malins proposed that the fees of diocesan and district officers should be paid by fixed salaries.

Mr. Roebuck supported the amendment.

The Attorney-General objected. It would be impossible at present properly to apportion the salaries. The amount varied much in different districts; and if the officers were paid by salaries, some would have too much and some too little.

Mr. Henley thought that Government had taken the wisest course in adhering to the fees. When the Act had worked for a few years they might be able to fix on a proper scale of salaries.

Mr. Roebuck wished to know on what scale the fees were to be regulated.

The Attorney-General said that the mode of regulating the fees would be twofold. In the first place, they would be regulated by the amount of the stamp, which was sometimes so small as sevenpence, and next according to the length of the document. In some cases the probate might contain only a few words, and in others it might extend to several sheets: the fee would be in proportion.

Mr. Briscoe opposed the amendment; which was put and negatived, and the clause was agreed to.

Mr. Westhead inquired whether the clerical surrogates would, under the Bill, continue to perform the duties which now devolved upon them of swearing affidavits, &c.

The Attorney-General could not say that it might not be necessary, in framing the rules and orders, to alter in some way the duties which were now performed by the surrogates. But he could say, that, with regard to the surrogates, and the clerical surrogates more especially, it was intended to secure to them the full measure of remunerative employment they now enjoyed.

The clause was then agreed to.

In clause 26, the Attorney-General introduced several verbal amendments, for the purpose of enacting, that, if any case should arise not provided for by the new rules established under the Bill, the mode of procedure should be in accordance with the present practice—which were agreed to.

Clause 27 was withdrawn, the Attorney-General stating that he proposed to substitute a new clause in lieu of it.

Clauses 32 and 33 were postponed.

On clause 34, Mr. Malins objected to the transferring of the appeal from the Judicial Committee of the Privy Council to the House of Lords, which was a most dilatory and expensive tribunal. He therefore proposed to substitute the Judicial Committee for the House of Lords.

The Attorney-General said that he admitted the great value of the Judicial Committee; but, if this amendment were carried, there would be two co-ordinate courts of appeal; for questions might arise in the common law courts either the same or of a cognate character with questions which arose before the Court of Probate. Then, the questions arising in the common law courts would be carried to the House of Lords, while those in the Court of Probate would, if the amendment were agreed to, be carried to the Judicial Committee, which would be a great inconvenience. With regard to the House of Lords, he hoped that before long there would be an improved and general court of appeal for the whole kingdom. He was afraid, too, that if the amendment were carried, it would bring the House into collision with the House of Lords, and might, therefore, endanger the success of the Bill.

Mr. Cairns deprecated the selection of the worst of the two tribunals as the court of appeal.

The Solicitor-General said that no doubt the appeal now lay from the Ecclesiastical Court to the Judicial Committee, but at present the Ecclesiastical Court dealt only with personalty, and in a peculiar manner, analogous with the procedure of the Judicial Committee of the Privy Council. By the Bill, however, that form of procedure would be abolished, and the Court of Probate would now be empowered to try issues of fact before a jury. All the incidents attendant upon the trial of issues on matters of fact in a common law court would arise in the Court of Probate, and in that state of things it must be apparent that the House of Lords would have an advantage over the Judicial Committee as a Court of Appeal, because they could summon the common law judges to their assistance, which the Judicial Committee could not do.

Mr. Collier said that the question was simply this:—They had decided, in point of fact, upon the appointment of a sixteenth common law judge; should the appeal from fifteen of them be to the House of Lords, and from the sixteenth to the Judicial Committee? He apprehended that that would be an anomaly which the committee would not sanction.

Mr. Malins did not think there was any great force in the argument about real property, as the only question which the Court of Probate had to decide was, whether there was a will or no will; and the forms to be complied with were the same whether real or personal property was concerned. He denied that the judge of the new Court of Probate was a common law judge; therefore that argument entirely fell to the ground.

The Attorney-General said that nothing could be more unconstitutional in theory, or impossible in practice, than to refer these cases to the Judicial Committee. To constitute that tribunal, they were obliged to shut up one or two of the law courts by taking away the judges. The Judicial Committee had not the power of hearing a single appeal from Westminster Hall or any of the law courts; how, then, could they give it the power of hearing appeals from a new law court? If this jurisdiction were given it, they must give it other appellate jurisdiction, and must re-constitute it altogether.

The committee then divided—For the amendment, 27; against, 271: majority, 244.

The clause was then agreed to.

On clause 40, Mr. Westhead moved, as an amendment, to insert the words "and that such probate or letters of administration shall cover all personalty, wherever situate." The object of the amendment, he said, was to enable parties to prove wills, or take out letters of administration, in the district court, though the value of the property might be above £1,500. He could not conceive why, when a man had property above £1,500, there should not be the opportunity of proving it in the district court.

Mr. Roebuck did not think there should be any limit at all. The tendency of modern legislation was to bring home cheap and efficient law to every man's door, and, acting upon that principle, there was no necessity for any limit in this case.

The Attorney-General thought a reference to the evidence taken before the Commission would at once show the necessity for the limitation. District registrars, it was proved, were more liable than the central authority to issue probate under mistake, fraud, or misapprehension; they were less qualified to detect irregularities, and it might so happen that probate would issue where it ought not; but the result being irretrievable, there would be no remedy for the wrong, and the property would pass into hands that had no right to it. To guard against such liabilities to error or fraud, it was necessary that some limitation should be fixed upon.

Mr. ROLT said, no doubt the estate of the poor man was entitled to as much protection as the estate of the rich; but a mistake committed in dealing with farming stock was more easily remedied than in dealing with funded property. In the former case an erroneous probate might be recalled before the property was converted; but, in the latter, a day, an hour even, might be sufficient to render the mistake irretrievable.

Mr. ROEBUCK remarked that Mr. Rolt assumed that all property under £1,500 was farming stock. It was just as likely, however, to consist of money in the funds; and if the protection of the central court was necessary in one case, it was equally necessary in the other.

The committee then divided, when there appeared—For the amendment, 162; against it, 131: majority, 31.

Mr. AYRTON said, after the decision which had just taken place, it seemed to him, that, if probates were in any manner to be taken in the country, they must be sent to the central registrar to be checked. In that case the clause must be modified, and he therefore moved that the chairman should report progress, in order to give time for further consideration.

The ATTORNEY-GENERAL said, that, unless the House should come to some better appreciation of the subject on bringing up the report, it would be impossible to proceed with the measure. So fully did he feel this, that he would take the sense of the committee again upon the introduction of the words, and it was his determination to give the House the opportunity of deciding whether it would have the Bill at all, by expunging that unfortunate decision.

The motion for reporting progress was then put and negatived, and the committee divided on the question that the words "that such probate or letters of administration shall cover all personalty, wherever situate," be inserted. The numbers were—For the motion, 141; against it, 139: majority, 2.

On the motion of Lord PALMERSTON, the chairman was then ordered to report progress, and the House resumed.

SUMMARY PROCEEDINGS BEFORE JUSTICES OF THE PEACE BILL.

The House went into committee on this Bill.

On clause 1, justices to have power to state a case for the opinion of the superior courts, Mr. HENLEY thought this would throw a great increase of business on the superior courts, and be often used for the purpose of delay.

The SOLICITOR-GENERAL believed the effect of the Bill would be to bring up only difficult questions of law, on which the magistrates were as anxious as the parties themselves to have the opinion of the Court; and no case could be stated except on the application of the parties, and with the consent of the justice.

Mr. NAPIER supported the Bill. It was a simplification of procedure, and afforded a substitute for the circuitous process of the *certiorari*.

Mr. J. D. FITZGERALD considered the provisions of the Bill so valuable, that, at his suggestion, it was proposed to extend its operation to Ireland.

Mr. MASSEY said that at present there was no means of reviewing the decision of a magistrate at petty sessions if erroneous in point of law. The object of the Bill was to remedy this defect.

Mr. HENLEY protested against the magistracy being put to any expense.

The SOLICITOR-GENERAL explained, that, under the Bill, all that was necessary was for the magistrate to write down upon a piece of paper the point of law upon which he had based his conviction. Beyond this he had nothing to do, and would be put to no expense.

Mr. MILES moved that the chairman report progress, which was agreed to.

ATTORNEYS AND SOLICITORS (COLONIAL COURTS) BILL.

This Bill passed through committee.

Thursday, July 9.

FRAUDULENT TRUSTEES, &c., BILL.

This Bill passed through committee. The debate (which will be given next week) we are obliged to defer from the press of other matter.

PRIVATE BILLS.—(*From a Correspondent*).

FRIDAY EVENING.

The Wimbledon and Dorking Bill was, together with the Glasgow Gas and Great Northern Capital, sent to a Committee in the Lords on Wednesday last. The Gas Bill was disposed of in an hour, one clause only being disputed. Rather contrary to precedent, the peers heard the opponents who had not petitioned in the Commons; but the subject-matter of the claim having been overlooked whilst the Bill was in the Commons, their Lordships granted the relief sought *on the condition of the petitioners paying the costs of the Bill being returned to the Commons.*

The Wimbledon and Dorking was opposed by the Brighton and South-Western Companies: by the former, on the ground of competition; but the Committee, after hearing counsel, decided, that the petitioners, having been heard in the Commons, had no *locus standi* in the Lords. Another point arose upon the Brighton case—viz. the right of the opposing landowners, who appeared under the wing of the Brighton Company, to call the Brighton Company's witnesses, that Company having been shut out. After discussion, the Marquis of Westminster decided that they could not refuse to hear the traffic manager of the Brighton Company in support of a landowner's petition, but that the evidence should not be allowed to touch on the merits of the Brighton Company's case. The London and South-Western Company withdrew their opposition at the close of the opponent's case, the promoters of the Bill having agreed to give them the clauses which they required; and the Bill passed.

The Committee then proceeded with the "Rogue's Bill," as the Redpath Defalcation Bill is called, which probably will last over to day. Mr. Beckett Dennison, the chairman, has been examined at great length.

The Wycombe Railway, a short Great-Western branch, was passed last week; and the Stratford Railway Bill, another Great Western branch, may be said to have passed also, the only point in difference being how the clauses, which are agreed on between both parties, can be framed to meet certain requirements of Lord Redesdale.

ELECTION COMMITTEES.—(*From a Correspondent.*)

FRIDAY EVENING.

MAYO.—Mr. Montagu Smith opened the case for the sitting member on Saturday. The learned gentleman urged that the "pastoral" of the Archbishop contained no threat or intimidation. It was an admonition to the clergy to return the right men. The isolated cases of the misconduct of the priests could not be connected with the sitting member, or the Archbishop. The evidence taken on behalf of Colonel Higgins is very contradictory, and of the usual kind in cases of riot. The parties on one side see a dangerous set of rioters in the same people who are viewed as enthusiastic partisans only by their own side. The special report made by the Committee that witnesses have been most barbarously treated on their return to Castlebar, was ordered to lie on the table, on the suggestion of the Attorney-General for Ireland, who entreated the House to let the *law* deal with the case as it stood.

Mr. Moore, the sitting member, was under examination yesterday, and there is a probability of the case being closed and the decision given on Saturday.

OXFORD (City).—The Committee reported on Wednesday that Charles Neate, Esq. was *not* duly elected. Their report found that Mr. Neate was guilty *through his agents* of bribery. That 198 persons were employed as messengers and poll-clerks —of whom 152 voted for the sitting member—the payment varying from £1 to 2*s.* 6*d.* They reported 18 specific cases of bribery, and the sums paid. They further found that Mr. Neate was *not* cognisant of the bribery, and recommended that the writ should not be suspended.

CAMBRIDGE (Borough).—This petition presented no peculiar features of interest beyond the nearness of the race—the sitting member, Mr. Andrew Stuart, saving his election by one vote only. The Committee reported that three electors had received money for their votes, they struck off nine names on the ground of disqualification, and added one name to the list of Mr. Stuart. Their report exonerates Mr. Stuart from the bribery.

GALWAY.— The Committee have commenced this case. From the speech of Mr. Wordsworth (the leading counsel) it appears that the bribery has been carried on with much ingenuity. A., the voter, receives a card from B., and goes to C., and tells him how he (A.) voted. C. puts a seal on the card, and sends him to D., a baker, in Galway. D. tells him to go into a brewhouse at the back, in which brewhouse there is nobody visible to A. A pair of fingers, however, appear through a hole in the wall. A. puts his card between the unknown fingers, and the unknown fingers appear once more with a one or two-pound note in them. Not a word passes.

BURY (Lancashire).—The Committee closed their labours yesterday. They reported that the late election was conducted with unusual sobriety and order; and that although some practices of an illegal complexion were resorted to, nothing

was adduced to show that they were authorised by the sitting member. Mr. Robert Needham Phillips, therefore, is returned.

BURY ST. EDMUNDS.—The Committee are proceeding with this Petition; there are no peculiar features of interest.

BATH.—The Committee commenced sitting at twelve on Friday. It is a case of scrutiny. The numbers returned for the sitting member, Mr. Tite, only exceeded by three votes the return for Mr. Way, the petitioner. It is likely to be a long and tedious case.

MAIDSTONE.—The Committee have reported that the two sitting members, Mr. Beresford Hope and Captain Scott, are duly elected. They have, however, reported that the evidence was very unsatisfactory, and that £3,500 was paid for an uncontested seat in 1847.

Birth, Marriages, and Deaths.

BIRTHS.

DAVIES—On July 1, at Tretower-house, Breconshire, the wife of Edward Cox Davies, Esq., Solicitor, of a daughter.

HALL—On July 6, at Park-parade, Ashton-under-Lyne, the wife of Mr. Henry Hall, jun., Solicitor, of a daughter.

JONES—On July 6, at Edgville-house, Leamington, the wife of W. E. Jones, Esq., M.A., Barrister-at-Law, of a son.

SMITH—On July 5, at 14 Ashley-place, Westminster, the wife of Archibald Smith, Esq., of Lincoln's-inn, Barrister-at-Law, of a son.

TUKE—On July 8, at 4 Blenheim-road, St. John's-wood, the wife of Henry George Tuke, Esq., Solicitor, of a daughter.

WILLIAMSON—On July 6, at St. Leonard's-on-Sea, the wife of Octavius John Williamson, Esq., Barrister-at-Law, Gloucester-terrace, Hyde-park, of a daughter.

MARRIAGES.

COLEMAN—JAMES—On July 8, at Highbury Chapel, Bristol, by the Rev. David Thomas, William Henry, youngest son of George Coleman, Esq., H.C.S., F.R.A.S., of 11 Guildford-street, Russell-square, London, to Mary Tice, fourth daughter of the late Robert James, Esq., Solicitor, of Glastonbury, Somerset.

DEIGHTON—WILKS—On July 8, at Walton-on-Thames, by the Rev. C. Lushington, William Christopher Daniel Deighton, Esq., M.A., Fellow of Queen's College, Cambridge, Barrister-at-Law, of the Inner Temple, to Agnes Buston, second daughter of Jonas Wilks, Esq., of Oatland's-park, Walton-on-Thames.

GAWLER—PHILPOT—On June 25, at Walcot Church, Bath, by the father of the bride, assisted by the Rev. H. Vachell, Henry Gawler, Esq., Barrister-at-Law, eldest surviving son of Colonel Gawler, K.H., late of the 52nd Regt., to Caroline Augusta, third daughter of the Rev. B. Philpot, rector of Great Cressingham, Norfolk.

NORMAN—BOLLAND—On July 2, at Ham, Surrey, by the Rev. G. F. Master, Rector of Stratton, Gloucestershire, the Rev. J. C. Norman, of Morpeth, to Eliza, elder daughter of the late Baron Bolland.

PIDSLEY—FLAMANK—On July 4, at St. Mary's, Wolborough, Devon, by the Rev. William Sadler, Curate of Highweek, John Pidsley, Esq., Solicitor, of Newton Abbott, to Sarah, younger daughter of the late Thomas Flamank, Esq., H.E.I.C.S.

SHARMAN—GOWER—On June 30, at the parish church of St. Mary, Tenby, South Wales, by the Rev. George Clark, Rector, Samuel Sharman, Esq., of Great Crosby, near Liverpool, Solicitor, eldest son of the late Samuel Sharman, Esq., formerly of Wellingborough, Northamptonshire, to Elizabeth, fourth daughter of the late John Lewis Gower, Esq., of Tenby.

SNOW—HASLUCK—On July 7, at the parish church, West Ham, Essex, by the Rev. Edward Hasluck, M.A., Rector of Little Sodbury, Gloucestershire, cousin of the bride, Frederic Augustus Snow, of 23 Tredegar-square, Mile-end, and 22 College-hill, Cannon-st., City, Solicitor, fifth son of W. E. Snow, Esq., of 26 Tredegar-square, to Martha, youngest daughter of Samuel Hasluck, Esq., of Hazeloake-house, Stratford, Essex.

VICARY—CHURCH—On July 7, at St. Andrew's, Holborn, by the Rev. Alfred Church, M.A., John Fulford Vicary, Esq., of North Tawton, Devon, to Maria Folgham, younger daughter of John Thomas Church, Esq., of Bedford-row.

DEATHS.

MARSDEN—On June 29, at his residence, South Bailey, Durham, in his 67th year, Thomas Marsden, Esq., of the firm of Marsden & Son, Proctors, deeply lamented.

OSBORNE—On July 5, after a short illness, Anna Perham, the fourth surviving daughter of J. F. Osborne, Solicitor, late of St. Ann's-villas, Notting-hill.

STALLARD—On July 8, at 28 Mecklenburg-square, Emblyn Sarah, the infant daughter of Frederick Stallard, Esq., Barrister-at-Law.

Unclaimed Stock in the Bank of England.

The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

APPLEYARD, Rev. ERNEST SYLVANUS, Westbourne-ter., Hyde-park, £20 : 12 : 6 Consols.—Claimed by Rev. ERNEST SYLVANUS APPLEYARD.

BAXTER, MARY, deceased, wife of ROBERT BAXTER, deceased, Attorney, Chester, £1,512 : 18 : 3 Consols.—Claimed by MARY BAXTER, Spinster, administratrix.

BROWNE, BARTHOLOMEW, JOHN HENRY NASH, and Rev. THOMAS MORRES, all of Wokingham, Berks, £50 Consols.—Claimed by Rev. THOMAS MORRES, the survivor.

FULLER, AUGUSTUS ELLIOTT, Clement's-la., London, Merchant, and WILLIAM DICKINSON, Upper Harley-st., London, Esq., £1,044 : 3 : 1 Reduced.—Claimed by AUGUSTUS ELLIOTT FULLER, Bodorgan, Anglesey, Esq.

GREEN, GEORGE, Blackwall, Esq., PHILIP PERRY, Moor-hall, Harlow, Essex, Esq., and GEORGE WATLINGTON, Upper Bedford-pl., Esq., £250 Consols.—Claimed by RICHARD GREEN and HENRY GREEN, executors of GEORGE GREEN, who was the survivor.

HOOLE, Rev. SAMUEL, Poplar, JOHN PERRY, jun., PHILIP PERRY, and GEORGE GREEN, all of Blackwall, £200 Consols.—Claimed by RICHARD GREEN and HENRY GREEN, executors of GEORGE GREEN, deceased, who was the survivor.

MOCATTA, MARIA, Southampton-st., Russell-sq., Spinster, £312 : 8 : 10 Consols.—Claimed by EMANUEL MOCATTA and JACOB MOCATTA, the executors.

PHILIPPS, Rev. WILLIAM THOMAS, Weymouth, £100 Consols.—Claimed by Rev. JAMES EVANS PHILIPPS, administrator.

ROBINSON, Rev. JOHN ELLILL, Vicar of Chieveley, JOHN POCOCK, Chieveley, Yeoman, and WILLIAM FISHER, of Copyhold, Yeoman, all in Berkshire, £65 : 9 : 8 Consols.—Claimed by Rev. JOHN ELLILL ROBINSON, JOHN POCOCK, and WILLIAM FISHER.

SMITH, PETER, King William-st., City, £20 Reduced.—Claimed by PETER SMITH.

SQUIRES, MARY ANN, Waltham Abbey, Essex, Spinster, £200 New 3 per Cents.—Claimed by MARY ANN M'SWINEY, wife of WALTER AUGUSTUS M'SWINEY, formerly MARY ANN SQUIRES, Spinster.

STAMFORD and WARRINGTON, Right Hon. GEORGE HARRY, Earl of, deceased, £152 : 4 Reduced.—Claimed by Rev. CHARLES GREY COTES and Rev. GEORGE HERON, the surviving executors.

TORPICHEN, Right Hon. JAMES Lord, Calder-house, N.B., JOHN STIRLING, Kepperness, N.B., Esq., and GEORGE DAVIES, Birchin-la., Gent., £69 : 10 : 1 Consols.—Claimed by JAMES Lord TORPICHEN, the survivor.

WIER, EDWARD, Halifax, Nova Scotia, attached to the 17th Light Infantry Company, £49 : 9 : 8 Consols.—Claimed by THOMAS WIER, administrator.

Heirs at Law and Next of Kin.

Advertised for in the London Gazette *and elsewhere during the Week.*

ADAMS, JOSEPH (who is believed to have died in London in 1809), Merchant, Basinghall-st., son of JOSEPH ADAMS, Saddler's Ironmonger, Digbeth, Walsall.—Next of kin to come in and prove their claims on or before July 21, at Master of the Rolls' Chambers. Apply to Messrs. Gregory, Gregory, Skirrow, & Rowcliffe, 1 Bedford-row; or Barnett & Marlow, Solicitors, Walsall.

HALE, WILLIAM (who died in June, 1816), late of St. Alban's, Herts, Carpenter.—Heirs at law living at the time of his decease to come in and prove their heirship on or before July 20, at Master of the Rolls' Chambers.

RUTLAND, FRANCES, Widow, a person of unsound mind, 2 Cavendish-cresct., Bath.—Heirs at law or next of kin of Frances Rutland claiming to be entitled (in case she were now dead or intestate) to her personal estate to come in prove their heirship or kindred on or before Nov. 2, at Masters in Lunacy Office, 45 Lincoln's-inn-fields. FRANCES RUDLAND is the widow of JONES RUDLAND, late of 2 Cavendish-cract., Bath, and was formerly the widow of THOMAS SKINNER, Bath, Capt. H.E.I.C.'s Marine Service, and was one of the children of THOMAS SHEPHERD, Esq., formerly Town Clerk of Lancaster, and born in or about 1782.

Money Market.

CITY, FRIDAY EVENING.

The weekly meeting of the Bank Directors has again passed without any further change being made in the rate of discount. The monthly statement of the Bank of France is less favourable than was anticipated. Considerable uneasiness is felt at the result of the elections, and at other symptoms of disquiet in that country. Great anxiety also prevails relative to the course of events in Bengal, and further intelligence is very much desired. Under these circumstances the English Funds continue flat, and without any improvement. Money is in sufficient supply on the Stock Exchance, and in Lombard-street, at ¼ per Cent. less than the rate required at the Bank of England.

From the Bank of England return for the week ending the 4th July, 1857, which we give below, it appears that the amount of notes in circulation is £19,468,535, being an increase of £325,835, and the stock of bullion in both departments is £11,516,856, showing an increase of £137,984 when compared with the previous return.

The payment to the public of the July dividends at the Bank, and of the life annuities at the National Debt Office, commenced on Wednesday.

In the north of Europe hot and dry weather has been more continuous, and more adverse to vegetation, than in the south. In France and Spain the harvest is commenced with a hopeful aspect; from nearly all quarters reports are favourable, and, with a continuance of fine weather, an early gathering of average quantity and quality is expected. Nevertheless, the advance in the price of grain is well maintained. The market is sparingly supplied by home growers, and arrivals from abroad have lately been very moderate. Prices are high in all the foreign markets, both in the north and the south—too high, indeed, to admit of operations for importing into this country. The stock remaining is not anywhere large, and all parties seem disposed to wait the course of the weather and the harvest. Other articles of home and colonial produce maintain high prices. Sugar, coffee, wool, cotton, and all kinds of provisions are dear. The alarm

which was excited upon the subject of the cattle murrain in the north of Europe has passed away. Inquiry and investigation have proved that the danger to be apprehended from the importation of cattle is not great, and that the dreaded disease is, in fact, the same as the pulmonary murrain which of late years has never been entirely absent from the cattle of Great Britain and Ireland.

The select committee of the House of Commons on murrain of cattle have reported that they are strongly impressed with the necessity of adopting every available precaution against infection, but that the evidence proves the difficulty of further legislation on the subject. The committee are also of opinion that ample powers for the purposes of precaution are already vested in the Government.

The Revenue Returns for the quarter are subject to many variations by reason of reduction of duties, and of delayed payment of duties. Therefore, a long and complicated investigation is required to see clearly the degree in which there is an increase of revenue. But there seems no reason to doubt that the progress in this respect is very favourable. The wonderful results of trade noticed last week cannot fail to find sympathy in the produce of taxes. It still remains a question of great interest and uncertainty whether the increase is sufficient to justify an expectation that the Property Tax will be wholly discontinued at the appointed time. The Chancellor of the Exchequer has given notice of a proposal, which, if it becomes law, will postpone for two years the fall of duty on tea and sugar, as now settled This is the first pecuniary result of our recent and present contests in the East.

The committee of the House of Commons appointed to inquire into the operation of the Bank Restriction Act are not expected to conclude their labours during the present session of Parliament; therefore, the result of this inquiry is not likely to be fully made public till towards the end of the year 1858.

The absence of excitement on this subject, on the part of mercantile men, is a strong indication that, although the supply of money has occasionally been deficient, and has long been liable to a high rate of interest, it is not generally believed that the influence of the Bank Restriction Act has been productive of injurious effects.

It may be hoped that the result of the present parliamentary inquiry, if it does not put to silence the advocates of measures likely to lead to an inconvertible paper currency, will strengthen and extend the principles of the Act of 1844; and, also, obtain for the Directors of the Bank of England general approbation of the line of conduct which, under the Act of Parliament, they have applied to the management of the finances of the Bank during the long period their policy has had to encounter circumstances of much difficulty.

English Funds.

ENGLISH FUNDS.	Sat.	Mon.	Tues.	Wed	Thur.	Fri.
Bank Stock	214	214	212½ 14	212½ 14	214	212½
3 per Cent. Red. Ann.	92⅝ ⅜ ½	92⅝ ½	92⅝ ⅛	92⅝ ⅜ ½	92⅝ ½	92⅝
3 per Cent. Cons. Ann.	shut	92⅝ ⅜ ½	92⅝ ½	92⅝ ½ ⅜	92⅝ ⅜	92½
New 3 per Cent. Ann.	92⅝ ⅜ ½	92⅝ ⅜ ½	92⅝ ½	92⅝ ½	92⅝ ⅜ ½	92⅝
New 2½ per Cent. Ann.	...	...	...	...	...	...
5 per Cent. Annuities	...	...	...	...	...	...
Long Ann. (exp. Jan. 5, 1860)	...	2 3-16	2 7-16	...	...	2 7-16
Do. 30 years (exp. Oct. 10, 1859	...	...	...	...	...	...
Do. 30 years (exp. Jan. 5, 1860)	...	...	...	...	...	...
Do. 30 years (exp. Apr. 5, 1885)	...	18½	18½ 18	...	...	...
India Stock	...	...	...	215	215 17	217
India Bonds (£1,000)	...	...	...	...	...	5s. dis.
Do. (under £1,000)	...	...	...	5s. dis.	10s. dis.	...
Exch. Bills (£1,000) Mar.	4s. dis.	par	3s. dis.	3s. dis.	par	3s. dis.
June	...	...	...	...	...	...
Exch. Bills (£500) Mar.	par	...	par	...	par	par
June	...	...	...	...	...	...
Exch. Bills (Small) Mar.	...	...	2s. pm.	2s. dis.	par	3s. pm.
June	...	...	...	...	...	...
Exch. Bills Advertised	...	...	...	...	...	...
Exch. Bonds, 1858, 3½ per Cent.	98⅞	...	98⅝	...	98⅝ ⅜	98⅝
Exch. Bonds, 1859, 3½ per Cent.	...	...	...	...	...	...

Insurance Companies.

Equity and Law	6
English and Scottish Law	4½
Law Fire	4½
Law Life	62
Law Reversionary Interest	19
Law Union	par
Legal and Commercial	par
Legal and General Life	6½
London and Provincial	3
Medical, Legal, and General	par
Solicitors' and General	par

Railway Stock.

Railways.	Sat.	Mon.	Tues.	Wed.	Thur	Fri.
Bristol and Exeter	...	...	99½	99	99	...
Caledonian	75½ ⅜	75½ ½	75½	75½	75½	75½
Chester and Holyhead	...	...	...	36½	...	...
East Anglian	20½ ½	...	20½	20⅝	20⅝	20⅝
Eastern Union A stock	...	...	...	52	...	...
East Lancashire	...	...	...	98	...	...
Edinburgh and Glasgow	...	63	...	...	...	...
Edin., Perth, & Dundee	...	...	...	35	34½ ½	34½
Glasgow & South Western	...	...	...	...	...	...
Great Northern	99½	99½ ½	...	99⅜ ½	99½	99½
Gt. South & West. (Ire.)	104⅜	104⅜	...	...	105	...
Great Western	65¼	65¼ 5	64⅝ ⅞	65¼	...	65
Lancashire & Yorkshire	101	100⅞	100⅝ ⅞	100⅝	100⅞	100⅝
Lon., Brighton, & S. Coast	...	113⅜	...	...	...	112⅝
London & North Western	103⅝ ½	103⅝ ½	103½ ⅜	103⅝ ½	103⅜ ⅝	103⅜
London and S. Western	102½	102	101⅛	102	101½ 2	101⅛
Man., Shef., and Lincoln	44¼ 5	45¼ 5½	44¼ ⅜	44⅝	44⅜ ¼	44
Midland	84	85⅛ ⅛	83⅜	83⅜ ⅛	83⅛	83⅜
Norfolk	63	...	63½ 2½	...	...	...
North British	...	...	43½	...	...	44½
North Eastern (Berwick)	93 2⅜	...	92½	92⅜ ⅜	92⅜ ⅜	92
North London	...	...	...	...	...	...
Oxford, Worc. & Wolv.	34½	34½	...	33⅜	34½	34
Scottish Central	104½	...	105½	...	...	...
Scot. N.E. Aberdeen Stock	...	...	...	...	25	...
Shropshire Union	...	...	...	...	...	...
South-Eastern	...	75	74⅜ ⅜	74½	74⅜ ½ ⅜	74⅜
South-Wales	89½	90	90	...	90½ 1	90

Bank of England.

AN ACCOUNT, PURSUANT TO THE ACT 7TH AND 8TH VICTORIA, C. 32, FOR THE WEEK ENDING ON SATURDAY, THE 4TH DAY OF JULY, 1857.

ISSUE DEPARTMENT.

	£		£
Notes issued	25,341,280	Government Debt	11,015,100
		Other Securities	3,459,900
		Gold Coin and Bullion	10,866,280
		Silver Bullion	...
	£25,341,280		£25,341,280

BANKING DEPARTMENT.

	£		£
Proprietors' Capital	14,553,000	Government Securities (incl. Dead Weight Annuity)	10,326,065
Rest	3,410,811	Other Securities	19,315,201
Public Deposits (including Exchequer, Savings' Banks, Commissioners of National Debt, and Dividend Accounts)	7,863,550	Notes	5,872,745
		Gold and Silver Coin	650,576
Other Deposits	9,658,616		
Seven day & other Bills	678,610		
	£36,164,587		£36,164,587

Dated the 9th day of July, 1857 M. MARSHALL, Chief Cashier.

London Gazettes.

Bankrupts.

TUESDAY, *July* 7, 1857.

BURFIELD, WILLIAM, Ironmonger, Blaenavon, Monmouth. July 20 and Aug. 18, at 11; Bristol. *Com.* Hill. *Off. Ass.* Acraman. *Sols.* Bevan & Girling, Bristol. *Pet.* July 3.

DOHERTY, JOHN, Corn and Provision Merchant, Liverpool. July 17 and Aug. 14, at 11; Liverpool. *Com.* Stevenson. *Off. Ass.* Turner. *Sols.* Lowndes, Bateson, & Lowndes, Liverpool. *Pet.* June 9.

EDGAR, JAMES, Draper, Bury St. Edmunds, Suffolk. July 17, at 12.30, and Aug. 21, at 11; Basinghall-st. *Com.* Fane. *Off. Ass.* Cannan. *Sols.* Bennett & Paul, 1 Sise-la., Bucklersbury. *Pet.* June 23.

FAITH, JOHN, Provision Merchant, 4 Cambridge-rd., Mile-end. July 17, at 12, and Aug. 21, at 11.30; Basinghall-st. *Com.* Fane. *Off. Ass.* Cannan. *Sols.* Linklaters & Hackwood, 17 Sise-la., Bucklersbury. *Pet.* July 4.

FALCONER, ROBERT, Dealer in Manure, 5 Wharf, Kingsland Basin, Hertford-rd., Middlesex. July 22, at 11.30, and Aug. 12, at 12.30; Basinghall-st. *Com.* Goulburn. *Off. Ass.* Nicholson. *Sol.* Roscoe, 14 King-st., Finsbury-sq. *Pet.* June 29.

FINCH, WILLIAM, jun., Paper Dealer, Dudley Port, Tipton, Staffordshire. July 17 and Aug. 7, at 11.30; Birmingham. *Com.* Balguy. *Off. Ass.* Whitmore. *Sols.* Hodgson & Allen, Birmingham. *Pet.* July 6.

LIDBETTER, WILLIAM HENRY, Corn and Hop Dealer, Tonbridge Wells, Kent. July 18, at 11, and Aug. 21, at 1; Basinghall-st. *Com.* Fane. *Off. Ass.* Whitmore. *Sols.* Church & Langdale, 38 Southampton-bldgs., Chancery-la.; or Cripps, Tonbridge-wells. *Pet.* July 3.

MORTIMER, HENRY GLADWELL, Builder, Lee, Kent. July 21, at 1, and Aug. 11, at 11; Basinghall-st. *Com.* Holroyd. *Off. Ass.* Edwards. *Sols.* Bothamley & Freeman, 39 Coleman-st. *Pet.* July 3.

NICHOLSON, GEORGE, Cattle and Sheep Dealer, 8 Lord-st., Newcastle-upon-Tyne. July 15 and Aug. 19, at 12; Royal-arcade, Newcastle-

upon-Tyne. *Com.* Ellison. *Off. Ass.* Baker. *Sols.* Wright, Carlisle; or Hoyle, Grey-st., Newcastle-upon-Tyne. *Pet.* June 29.

PEARSON, THOMAS, Ironmonger, 18 and 19 Calthorpe-pl., Gray's-inn-rd. July 21, at 12.30, and Aug. 25, at 1; Basinghall-st. *Com.* Holroyd. *Off. Ass.* Lee. *Sols.* Linklaters & Hackwood, 17 Sise-la. *Pet. for Arrangement*, June 1.

RANDALL, WILLIAM, Hotel-keeper, New Inn, Maidstone, Kent. July 20, at 1.30, and Aug. 12, at 1; Basinghall-st. *Com.* Goulburn. *Off. Ass.* Pennell. *Sols.* Linklaters & Hackwood, 17 Size-la., Bucklersbury. *Pet.* July 4.

ROBINSON, GEORGE JONATHAN, Silk Merchant, Nottingham. July 28 and Aug. 18, at 10.30; Nottingham. *Com.* Balguy. *Off. Ass.* Harris. *Sols.* Bowley & Ashwell, Nottingham. *Pet.* July 3.

SIMPSON, HENRY, Butcher, Ipswich. July 22, at 12.30, and Aug. 12, at 2; Basinghall-st. *Com.* Goulburn. *Off. Ass.* Pennell. *Sols.* Aldridge & Bromley, Gray's-inn; or Jackaman, Ipswich. *Pet.* June 27.

SMITH, TILDEN, JAMES HILDER, GEORGE SCRIVENS, & FRANCIS SMITH, Bankers, Hastings, Sussex. July 23, at 11, and Aug. 28, at 12; Basinghall-st. *Com.* Fane. *Off. Ass.* Whitmore. *Sol.* Langham, 10 Bartlett's-bldgs. *Pet.* June 27. (*See* Meetings, *infra.*)

WILSON, MATTHEW, Commission Agent, 15 Devonshire-sq. July 20, at 1, and Aug. 12, at 12; Basinghall-st. *Com.* Goulburn. *Off. Ass.* Nicholson. *Sols.* Lawrance, Plews, & Boyer, 14 Old Jewry-chambers, Old Jewry. *Pet.* July 3.

FRIDAY, *July* 10, 1857.

BARBER, Sir EDWARD PACK, Glass Merchant, 25 West-st., Smithfield. July 23, at 2, and Aug. 21, at 12; Basinghall-st. *Com.* Fane. *Off. Ass.* Cannan. *Sol.* Downes, 1 Three Kings'-ct., Lombard-st. *Pet.* July 8.

BLACKMAN, WILLIAM, Victualler, Railway Tavern, Northfleet, Kent. July 25, and Aug. 21, at 11; Basinghall-st. *Com.* Fane. *Off. Ass.* Whitmore. *Sols.* Van Sandau & Cumming, 27 King-st., Cheapside. *Pet.* July 9.

BORSLEY, JOHN, Builder, 32 Argyle-sq., King's-cross. July 21, at 11, and Aug. 24, at 1; Basinghall-st. *Com.* Goulburn. *Off. Ass.* Nicholson. *Sols.* Lawrance, Plews, & Boyer, 14 Old Jewry-chambers. *Pet.* July 8.

CLARKE, WILLIAM, Dealer in China and Glass, King's Lynn, Norfolk. July 23 and Aug. 21, at 2; Basinghall-st. *Com.* Fane. *Off. Ass.* Whitmore. *Sols.* Sole, Turner, & Turner, 68 Aldermanbury; or Gaches, Peterborough. *Pet.* July 3.

DANIEL, GEORGE WYTHE, Hotel and Boarding-house-keeper, Harts Woodford, Essex. July 25, at 11, and Aug. 21, at 12.30; Basinghall-st. *Com.* Fane. *Off. Ass.* Cannan. *Sols.* Paterson & Longman, 68 Old Broad-st. *Pet.* July 7.

EVANS, JOHN, Shipbuilder, Aberystwith, Cardiganshire. July 21 and Aug. 18, at 11; Bristol. *Com.* Hill. *Off. Ass.* Acraman. *Sols.* Hughes & Roberts, Aberystwith; or Brittan & Sons, Albion-chambers, Bristol. *Pet.* July 7.

EVANS, MAURICE, & JOHN WILLIAM HOARE, Export Wine and Bottled Beer Merchants, 29 Great St. Helen's, and Trinity-wharf, Rotherhithe; Maurice Evans residing at 13 Victoria-ter., Westbourne-grove, and John William Hoare residing at 8 Upper Seymour-st., Portman-sq. July 24, at 12, and Aug. 27, at 11; Basinghall-st. *Com.* Evans. *Off. Ass.* Bell. *Sols.* Linklaters & Hackwood, 17 Sise-la., London. *Pet. for Arr.* June 11.

GORDON, JOHN DOWN, Pianoforte Manufacturer, 6 Eldon-st., Finsbury. July 20, at 11, and Aug. 24, at 12; Basinghall-st. *Com.* Goulburn. *Off. Ass.* Pennell. *Sols.* Venning, Naylor, & Robins, 9 Tokenhouse-yard. *Pet.* July 7.

GRIMSHAW, JOHN, Cloth Manufacturer, Guiseley, Yorkshire. July 27, at 11.30, and Aug. 17, at 11; Leeds. *Com.* Ayrton. *Off. Ass.* Hope. *Sols.* Ferns & Rook, Leeds. *Pet.* July 7.

LOWNDS, JOHN, Watch and Clock Maker, 5 York-pl., Vauxhall-bridge-rd.; in copartnership with Robert Lownds (R. & J. Lownds), Carpet Beating Business, 11 Belgrave-st. South, Pimlico. July 20, at 12, and Aug. 24, at 1.30; Basinghall-st. *Com.* Goulburn. *Off. Ass.* Pennell. *Sol.* Manning, 5 Lyon's-inn. *Pet.* July 8.

LUCAS, NATHANIEL TIMPERLEY, Victualler, Macclesfield, Cheshire. July 23 and Aug. 19, at 12; Manchester. *Off. Ass.* Fraser. *Sols.* Parrott, Colville, & May, Macclesfield. *Pet.* July 1.

NASH, THOMAS, jun., Brushmaker, 134 Gt. Dover-st., Southwark. July 18, at 11.30, and Aug. 21, at 1.30; Basinghall-st. *Com.* Fane. *Off. Ass.* Whitmore. *Sol.* Butler, jun., 191 Tooley-st., Southwark. *Pet.* July 7.

TALBOTT, EBENEZER, & SAMUEL GRICE (Severn and Wye Foundry Co.), Ironfounders, Newarn, Lydney, Gloucestershire. July 21 and Aug. 18, at 11; Bristol. *Com.* Hill. *Off. Ass.* Miller. *Sols.* Bevan & Girling, Bristol. *Pet.* July 7.

BANKRUPTCIES ANNULLED.

TUESDAY, *July* 7, 1857.

GIDLEY, GUSTAVUS, Sharebroker, Torquay, Devon. July 2.

FRIDAY, *July* 10, 1857.

GODFREY, JOHN, Coachmaker, Taunton.

MEETINGS.

TUESDAY, *July* 7, 1857.

ATKINSON, ROBERT, Hairdresser, York. July 28, at 11; Leeds. *Com.* Ayrton. *Div.*

BEST, JOHN, Linendraper, Halifax. July 28, at 11; Leeds. *Com.* Ayrton. *Div.*

BUNNY, HENRY, Brickmaker, Newbury, Berks. July 17, at 11; Basinghall-st. *Com.* Fane. *Last Ex.*

MARSHALL, JOHN (Great Western Coal Company), Coal Merchant, Friar-st. and Victoria Wharf, Reading, and various Railway Stations. July 30, at 11; Basinghall-st. *Com.* Fane. *Div.*

PARKER, GEORGE, Grocer, Leeds. July 28, at 11; Leeds. *Com.* Ayrton. *Div.*

SMITH, HILDER, SCRIVENS, & SMITH, Bankers, Hastings. July 18, 20, and 21, 10 to 4; Swan Hotel, Hastings. *Prf. Debts.* for creditors in and near Hastings who may not wish to attend in Basinghall-st. on July 23 and Aug. 28.

TAYLOR, ROBERT, Draper, Sunderland. Aug. 5 (and not *July* 24, as advertised in last Tuesday's *Gazette*) at 12; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison. *Second Div.*

FRIDAY, *July* 10, 1857.

BLYTHE, JOHN BENNINGTON, Smelter, 6 Minerva-pl., New-cross, Old Kent-rd., and late of the Smelting Works, Plough-rd., Rotherhithe. Aug. 3, at 2; Basinghall-st. *Com.* Goulburn. *Div.*

CLARKE, JOHN WILLDING, Seed Merchant, late of Sidcup, Kent, now of Whittlesea, Isle of Ely. July 31, at 1.30; Basinghall-st. *Com.* Fane. *Div.*

CONWAY, WILLIAM, Builder, Plymouth. Aug. 3, at 10; Plymouth. *Com.* Bere. *Div.*

COPLAND, CHARLES, & WILLIAM GEORGE BARNES, Provision Merchants, Botolph-la., London, and Oriental-pl., Southampton. Aug. 3, at 11; Basinghall-st. *Com.* Goulburn. *Div.* sep. ests. of each.

DUNCAN, RICHARD, Wine Merchant, 43 Lime-st. July 20, at 12; Basinghall-st. *Com.* Goulburn. *Last Ex.*

GIBBS, CHARLES BARNETT, Grocer, Eccleshall, Staffordshire. July 31, at 11.30; Birmingham. *Com.* Balguy. *Div.*

HARRISON, THOMAS, Tailor, 62 Chancery la., and of Holly-cot., West-end, Esher, Surrey. Aug. 3, at 12.30; Basinghall-st. *Com.* Goulburn. *Div.*

HERRING, JAMES CRAGGS, & WILLIAM HERRING, Merchants, West Boldon, Durham. Aug. 4, at 11.30; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison. *Div.*

HUNTER, SAMUEL, Anchor Manufacturer, Gateshead, Durham, & NICHOLAS HUNTER, Anchor Manufacturer, Hartlepool, Durham (Copartners). July 21, at 11; Royal-arcade, Newcastle-upon-Tyne. *Com.* Ellison. (*By adj.* from June 10) *Last Ex.*

LAMB, JAMES, EDWARD LEWIS, & WILLIAM THOMAS ALLUM (T. Freen & Co.), Cement Manufacturers, Wouldham, Kent, and Kingsland-rd., Middlesex. Aug. 3, at 1; Basinghall-st. *Com.* Goulburn. *Div.*

MARE, FRANCES, GEORGE KEEN, & EDMUND JOHN EARDLEY MARE, Ironfounders, Plymouth, Devon. Aug. 3, at 10; Plymouth. *Com.* Bere. *Div.*

SULLY, WALTER, Printer, 299 Strand. July 31, at 1.30; Basinghall-st. *Com.* Fane. *Div.*

SYERS, MORRIS ROBERTS, JAMES WALKER, & DANIEL BACKHOUSE SYERS (Syers, Walker, & Co.); and Liverpool (Syers, Walker, & Syers), Merchants, Ball-alley, Lombard-st. Aug. 4, at 11; Basinghall-st. *Com.* Goulburn. *Div.* sep. est. of M. R. Syers and of J. Walker.

VICKERS, John, Wine and Spirit Merchant, 14 Eldon-rd., Victoria-rd., Kensington, and 4 Cross-la., St. Mary-at-Hill, Lower Thames-st., and 93 High-st., Southwark. Aug. 3, at 12; Basinghall-st. *Com.* Goulburn. *Div.*

WARD, THOMAS, Stock Manufacturer, 4 Bow Churchyard. Aug. 3, at 2.30; Basinghall-st. *Com.* Goulburn. *Div.*

DIVIDENDS.

TUESDAY, *July* 7, 1857.

BARTON, IRLAM, & HIGGINSON, Merchants, Liverpool. Ninth, 4*d.* *Turner*, 53 South John-st., Liverpool; any Wednesday, 11 and 2.

CLUBBE, THOMAS, Brewer, Chester. Fifth, 1*d.* *Turner*, 53 South John-st., Liverpool; any Wednesday, 11 and 2.

FUTVOYE, FREDERICK (1st Bankruptcy), Jeweller, 154 Regent-st., and Beak-st. First, 7*d.* *Edwards*, 1 Sambrook-ct., Basinghall-st.; next three Wednesdays, 11 and 2.

NICHOLLS, FRANCIS, Merchant, 5 Thornhill-cract., Islington. First, 1*s.* 10½*d.* *Whitmore*, 2 Basinghall-st.; any Wednesday, 11 and 2.

PHILLIPS, WILLIAM, Currier, Norwich. First, 1*s.* 3*d.* *Edwards*, 1 Sambrook-ct., Basinghall-st.; next three Wednesdays, 11 and 2.

POPKISS, POPKISS, & MELLER, Timber Merchants, Ham Wharf, Brentford. First, 1*d.* *Edwards*, 1 Sambrook-ct., Basinghall-st.; next three Wednesdays, 11 and 2.

PRESCOTT, JOSEPH, Teadealer, Liverpool. Third, ½*d.* *Turner*, 53 South John-st., Liverpool; any Wednesday, 11 and 2.

FRIDAY, *July* 10, 1857.

GUMMOW, JAMES R., Builder, Wrexham, Denbighshire. Second, 3*d.* *Turner*, 53 South John-st., Liverpool; any Wednesday, 11 and 2.

NICHOLS, HILLYARD, Corn Merchant, Bedford. First, 3*s.* *Cannan*, 18 Aldermanbury; any Monday, 11 and 3.

PETO, JOHN, & JOHN BRYAN (Bryan, Price, & Co.), Army Contractors, 8 and 9 Dacre-st., Westminster, and of Liverpool, and Willow-walk, Bermondsey. Second, 1*s.* *Cannan*, 18 Aldermanbury; any Monday, 11 and 3.

TWEEDALE, WILLIAM, Grocer, Ashton-under-Lyne. First, 4*s.* 1½*d.* *Pott*, 7 Charlotte-st., Manchester; any Tuesday, 11 and 1.

WILSON, BENJAMIN, Scrivener, 16 Gresham-st. First, 1*s.* 5*d.* *Lee*, 20 Aldermanbury; Wednesday next, 11 and 2.

WOOD, WILLIAM, Commission Agent, 149 Aldersgate-st. First, 3*s.* *Cannan*, 18 Aldermanbury; any Monday, 11 and 3.

CERTIFICATES.

To be ALLOWED, *unless Notice be given, and Cause shown on Day of Meeting.*

TUESDAY, *July* 7, 1857.

ARMSON, SAMUEL, Builder, Walbrook Coseley, Sedgley, Staffordshire. Aug. 6, at 10.30; Birmingham.

BARRY, JOHN, Linen and Woollen Draper, Cashel, Clonmel, Co. Tipperary, Ireland, also at Manchester (John Barry & Co.). July 29, at 12; Manchester.

BAXTER, GEORGE, & GEORGE TOONE, Dyers, Nottingham. July 28, at 10.30; Nottingham.

BENNETT, THOMAS, Iron and Coal Master, Oldbury, Worcestershire, and of Westbromwich, Staffordshire. Aug. 6, at 10.30; Birmingham.

CUNDY, SAMUEL TANSLEY (trading as Samuel Cundy), Statuary and Stonemason, Belgrave Wharf, Lower Belgrave-pl., Pimlico. July 30, at 12; Basinghall-st.

FOA, OCTAVE, Merchant, 55 Old Broad-st. July 28, at 11; Basinghall-st.

GILLETT, GEORGE, Cabinetmaker, Preston, Lancashire. July 28, at 12; Manchester.

HODGSON, GILBERT, & WILLIAM ATCHESON, Timber Merchants, Sunderland. July 31, at 11.30; Royal-arcade, Newcastle-upon-Tyne.

MOODY, CHARLES, Saw and File Maker, 128 Queen-st., Portsea. July 30, at 12.30; Basinghall-st.

TURNER, WILLIAM, & THOMAS MASON (Mason & Turner), Cotton Spinners, New Mills, Ashbourne, Derbyshire. Sept. 15, at 11; Nottingham.

FRIDAY, *July* 10, 1857.

CARR, WILLIAM RIDLEY, & HENRY FREDERICK SCOTT (John Carr & Co.), Iron Manufacturers, Wallsend, Northumberland. Aug. 4, at 11.30; Royal-arcade, Newcastle-upon-Tyne.

CHADWICK, BENJAMIN, Chronometer and Watch Maker, Liverpool. July 31, at 11; Liverpool.

COOPER, JOHN MARTIN, Shipowner, Sunderland. Aug. 3, at 11; Royal-arcade, Newcastle-upon-Tyne.
ELLIS, ALFRED, Wine Merchant, Wimborne, Dorset. Aug. 4, at 1; Basinghall-st.
GREGORY, WILLIAM JOHN, Bedding Manufacturer, Leeds. Aug. 4, at 11; Leeds.
JONES, THOMAS, Grocer, High-st., Merthyr Tydfil, Glamorganshire. Aug. 3, at 11; Bristol.
LAIDLER, THOMAS (John Carr & Co.), Coke Burner, Jarrow, Durham. Aug. 4, at 11.30; Royal Arcade, Newcastle-upon-Tyne.
MEE, WILLIAM, Manufacturer of Plain and Fancy Hosiery, Leicester. Aug. 4, at 10.30; Nottingham.
TEALL, EDWARD, & REUBEN TEALL, Boat Builders, Leeds. July 31, at 11; Leeds.
THOMAS, JOHN GEORGE, Damask Manufacturer, Illingworth, Halifax. July 31, at 11; Leeds.
WEARING, JAMES, Joiner and Builder, Ulverston, Lancashire. Aug. 6, at 1; Manchester.

To be DELIVERED, *unless* APPEAL *be duly entered.*

TUESDAY, *July* 7, 1857.

BROOKE, GEORGE, Provision Dealer and Salesman, Leadenhall-market and 93 Peascod-st., Windsor. June 30, 2nd class.
CHARLES, ROBERT RUMNEY, & WILLIAM FORDYCE, Paper Manufacturers, Haughton, Northumberland. July 3, third class to each; R. R. Charles's to be suspended till Aug. 11.
KEYWOOD, JAMES, jun., Plumber, Littlehampton, Sussex. June 30, 2nd class.
ROBERTS, JULIUS, Engineer, Poplar, Middlesex. June 30, 3rd class; but not to operate as a release to him until he shall have paid all his creditors 10s. in the pound.
WELLS, THOMAS, Grocer, 34 Dorset-pl., Clapham-rd., Surrey. June 30, 2nd class.
WHITE, THOMAS, jun., Shipbuilder, Portsmouth and Gosport. June 30, 1st class.

FRIDAY, *July* 10, 1857.

BAILEY, WILLIAM, jun., Carver and Gilder, 68 Buttesland-st. July 1, 3rd class; to be suspended for twelve months from June 3.
BATESON, HENRY, Apothecary, 2 Hadden-pl., Waterloo-rd., Surrey. July 9, 1st class.
BRUCE, JOSEPH, Grocer, Yarmouth, Isle of Wight. July 9, 2nd class.
CHEETHAM, DAVID, Cottonspinner, Rochdale, Lancashire. July 2, 2nd class.
HALL, CHRISTOPHER, East India Merchant, 3 Sun-ct., Cornhill. June 29, 3rd class; to be suspended for twelve months from June 29.
HARRISON, THOMAS, Tailor, 62 Chancery-la., and Holly-cot., West-end, Esher, Surrey. July 6, 2nd class; to be suspended for three months from July 6.
HASSE, GUSTAV, Merchant, 4 Railway-pl., Fenchurch-st. July 2, 3rd class.
HEWITT, GEORGE ALEXANDER, Chemist and Druggist, Derby. July 7, 3rd class, after a suspension of twelve months.
HINTON, ALFRED, Druggist and Grocer, Birmingham. July 9, 3rd class, after a suspension of three months.
MOORE, GEORGE, Innkeeper, Shardlow, Derbyshire. July 7, 3rd class.
RICHARDS, THOMAS, Draper, Aberystwith, Cardiganshire. July 7, 2nd class.
STEFFANO, PETER, Ship Chandler, 28 Wellclose-sq., and Cardiff. July 3, 1st class.
WHEELER, HENRY, Painter, Derby. July 7, 1st class.

Professional Partnership Dissolved.

FRIDAY, *July* 10, 1857.

NICHOLSON, GEORGE PEARSON, & RICHARD BOUGHEY MONK LINGARD, Attorneys-at-Law and Solicitors, Wath-upon-Deane, Yorkshire; debts received and paid by G. P. Nicholson. June 30.

Assignments for Benefit of Creditors.

TUESDAY, *July* 7, 1857.

BUTTERS, JOSEPH, & JOSEPH CONDLIFF, Earthenware Manufacturers, Shelton, Stoke-upon-Trent, Staffordshire. June 8. *Trustees*, T. Hammersley, Commission Agent, Stoke-upon-Trent; T. Furnival, Flint Grinder, Cobridge; J. T. Close, Commission Agent, Stoke-upon-Trent. *Sol.* MOXON, Hanby.
FUNNELL, EBENEZER, Builder, Chiddingly, Sussex. June 24. *Trustees*, G. Carpenter, Miller, Chiddingly; M. H. Lower, Auctioneer, Chiddingly. Indenture lies at office of Ebenezer Funnell.
MASON, THOMAS, Hotel-keeper, Angel Hotel, Abergavenny, Monmouthshire. June 25. *Trustee*, W. J. Hands, Auctioneer, Abergavenny. *Sol.* Lloyd, Abergavenny.
PHILLPOT, EDWIN, Draper, Colford, Gloucestershire. June 10. *Trustees*, S. Edwards, Wholesale Tea Dealer, Abchurch-la; E. Bretherton, Provision Merchant, Gloucester. *Sol.* Mardon, Christchurch-chambers, 99 Newgate-st.
PRIME, EDWARD, Painter, Longton, Staffordshire. June 10. *Trustee*, T. Prime, Wood Turner, Birmingham. *Sol.* Saunders, 41 Cherry-st., Birmingham.
RODDWELL, JAMES, Innkeeper, Framlingham, Suffolk. June 29. *Trustee*, J. Woodrow, Wine Merchant, Norwich. *Sol.* Taylor, St. Giles-st., Norwich.
UPTON, JOHN, Agricultural Implement Maker, Etwall, Derbyshire. July 1. *Trustee*, E. Collumbell, Agent, Derby. *Sol.* Gamble, Wardwick, Derby.

FRIDAY, *July* 10, 1857.

DUNN, WILLIAM, Cabinetmaker, Guildford, Surrey. June 13. *Trustees*, W. Colebrook, Butcher, Guildford; T. Gill, Ironmonger, Guildford. *Sol.* W. Lovett, Guildford.
HEAP, JOHN, Jeweller, Burnley, Lancashire. June 23. *Trustees*, G. Armitage, Gent., Preston; C. Wood, Jeweller, Birmingham. *Sols.* Shaw, Sutcliffe, Tattersall, & Handsley, Burnley
PARKINSON, JOHN, Solicitor, Argyll-st., Regent-st. June 23. *Trustees*, C. Morris, Barrister-at-Law, of the Inner Temple, and South-st., Grosvenor-sq.; G. T. Rose, Pianoforte Manufacturer, Gt. Pulteney-st., Grosvenor-sq. *Sols.* Henry & Spencer Robert Lewin, 32 Southampton-st., Strand.
PURSER, FREDERIC, Ironmonger, Sheffield. June 29. *Trustees*, J. Lyons, Steel Converter, Sheffield; G. Knowles, Accountant, Sheffield. *Sols.* Gould & Son, Paradise-sq., Sheffield.
RUTHERFORD, JOHN, Draper, Kettering, Notts. June 24. *Trustees*, H. Sturt, Wood-st.; J. Bradbury, Aldermanbury, Warehousemen; T. H. Gotch, Gent., Kettering. *Sols* Mason & Sturt, 7 Gresham-st.
SEARS, WILLIAM JOSEPH, & JAMES SEARS, Printers, 3 and 4 Ivy-la., Newgate-st. June 12. *Trustees*, T. Sprague, Wholesale Stationer, Queen-st., Cheapside; J. Marshall, Gent., Queen-st. *Sols.* Jenkinson, Sweeting, & Jenkinson, 7 Clement's-la.
SHEARCROFT, GEORGE, Grocer, Sutton St. Mary, Lincolnshire. June 16. *Trustees*, J. Vorley, Farmer, Holbeach Marsh, Lincolnshire; T. G. Leader, Grocer, Fleet, Lincolnshire. *Sol.* Garthwaite, Long Sutton.
THURLOW, HENRY, & WILLIAM WILKINSON, sen., Tailors, Thetford, Norfolk. June 18. *Trustees*, J. Ellison, Woollen Warehouseman, Bread-st., Cheapside; G. T. Clarke, Woollen Warehouseman, St. Martin's-la. *Sol.* Flux, Moira-chambers, 17 Ironmonger-la.

Creditors under Estates in Chancery.

TUESDAY, *July* 7, 1857.

ATKINSON, WILLIAM (who died in Aug., 1856), Dyer, Flint House, Broadstairs, Kent. Creditors to come in and prove their debts on or before Aug. 1, at V. C. Wood's Chambers.
SHAW, WILLIAM (who died on Oct. 2, 1838), Wilmslow, Cheshire. Creditors to come in and prove their claims on or before July 25, at the Master of the Rolls' Chambers.

FRIDAY, *July* 10, 1857.

BENNETT, RICHARD (who died in Feb. 1823), Tamworth, Staffordshire. Creditors to come in and prove their debts on or before July 25, at Master of the Rolls' Chambers.
BRASSINGTON, THOMAS (who died on May 27, 1841), Carpenter and Builder, Bartholomew-ter., York-st., City-rd. Creditors to come in and prove their debts on or before August 5, at V. C. Stuart's Chambers.
BREEDON, ARTHUR WILLIAM (who died in Dec. 1856), Clerk, Pangbourne, Berks. Creditors to come in and prove their claims on or before Nov. 2, at Master of the Rolls' Chambers.
HARGRAVE, WILLIAM JOSCELINE. Incumbrancers in respect of his moiety of the freehold estate, Saracen's Head Inn, Aldgate, to come in and prove their claims on or before July 27, at Master of the Rolls' Chambers.
JONES, EDWARD (who died on April 2, 1856), Farmer, Nauthir, Llanfawr, Merionethshire. Creditors to come in and prove their claims on or before July 30, at V. C. Stuart's Chambers.
TWEDDELL, JOHN (who died in Nov. 1851), Hatter, late of Darlington. Creditors to come in and prove their debts on or before Oct. 29, at Master of the Rolls' Chambers.

Winding-up of Joint Stock Companies.

TUESDAY, *July* 7, 1857.

ANGLO-CALIFORNIAN GOLD MINING COMPANY.—Creditors of this Company are, on or before July 15, to send the amount and particulars of their claim to G. F. Goodman, Clerk to the Liquidators.
COMMERCIAL AND GENERAL LIFE ASSURANCE ANNUITY FAMILY ENDOWMENT AND LOAN ASSOCIATION.—The Master of the Rolls purposes, on July 21, at 12, at his chambers, to make a call for 10s. per share.
CROOKHAVEN MINING COMPANY OF IRELAND.—V. C. Wood orders that this Company be absolutely dissolved as from July 27, and wound up; and will, at his chambers, on July 16, at 1, appoint an official manager; and Creditors are to come in and prove their debts.
GENERAL LIVE STOCK INSURANCE COMPANY.—The Master of the Rolls will, at his chambers, on July 11, at 12, appoint an official manager.
KENMARE AND WEST OF IRELAND COPPER AND SILVER LEAD MINING COMPANY.—A petition for the dissolution and winding up of this Company was, on July 7, presented by Edward Smith, Gent., of Barnsbury-park, Islington; which will be heard before V. C. Wood on July 18.
NANTLLE VALE SLATE COMPANY.—The Master of the Rolls, on June 11, appointed George Coryndon Begbie, Accountant, Coleman-st., John George Shipley, Saddler, 181 Regent-st., and George Harry Barlow, Italian Warehouseman, 5A Curzon-st., Mayfair, to be the official managers.
SAINT DENNIS CONSOLS CHINA CLAY WORKS AND TIN MINE.—V. C. Wood purposes, on July 20, at 1, at his chambers, to make a call for 10s. per share.
WRYSGAN SLATE AND SLAB QUARRYING COMPANY.—V. C. Kindersley orders that this Company be absolutely dissolved from June 26, and wound up.

FRIDAY, *July* 10, 1857.

FURSDON MANOR MINE.—V. C. Wood will, on July 15, at 1, at his Chambers, make a call on the contributories for 10s.
GENERAL LIVE STOCK INSURANCE COMPANY.—The Master of the Rolls orders this Company to be absolutely dissolved, as from July 4, and wound up.
NORTH SHIELDS QUAY COMPANY.—V. C. Wood, on June 22, appointed Robert Palmer Harding, 5 Serle-st., Lincoln's-inn, to be Official Manager.

Scotch Sequestrations.

TUESDAY, *July* 7, 1857.

HUTCHINSON, THOMAS, Baker, 25 King-st., Tradeston. July 13, at 12, Faculty-hall, St. George's-pl., Glasgow. *Seq.* July 1.
JOHNSTON, JOHN, Blacksmith, Hamilton. July 16, at 12, King's Arms Inn (Dick's), Hamilton. *Seq.* July 2.
MORISON, WALTER, Butcher, 12 Black's-bldgs., Aberdeen. July 15, at 12, Royal Hotel, Aberdeen. *Seq.* July 4.
THOMSON ARCHIBALD (Archibald Thomson & Co.), Woollen Drapers, High-st., Edinburgh. July 13, at 12, Dowells and Lyon's Rooms, 18 George-st., Edinburgh. *Seq.* July 3.

FRIDAY, *July* 10, 1857.

BURNS, ALEXANDER GRAHAM, Wine and Spirit Merchant, Glasgow. July 17, at 12, Globe Hotel, George-sq., Glasgow. *Seq.* July 8.
M'DONALD, JOHN, Wine and Spirit Merchant, Whiteinch, Patrick. July 14, at 2, Globe Hotel, George's-sq., Glasgow. *Seq.* July 6.
O'HALLORAN, GEORGE STEWART, & THOMAS BROWN, Ship Brokers, Glasgow. July 14, at 12, Faculty Hall, St. George's-pl., Glasgow. *Seq.* July 6.
THIRD, ALEXANDER, & JOHN KIDD ADAMS, Warehousemen, Glasgow. July 14, at 2, Faculty Hall, St. George's-pl., Glasgow. *Seq.* July 6.